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PORTRAIT OF MARY BALL WASHINGTON  
THE MOTHER OF PRESIDENT WASHINGTON  
PAINTED BY ROBERT EDGE PINE

[Number 72]

10

HISTORICAL RELICS OF  
**GEORGE WASHINGTON**

INHERITED AND COLLECTED BY  
**MR. WILLIAM LANIER WASHINGTON**

**ORIGINAL LETTERS AND DOCUMENTS**  
BY GEORGE MASON AND OTHERS ON THE  
**FORMATION OF THE CONSTITUTION**

ORIGINAL UNPUBLISHED DIARY OF JAMES McHENRY  
MEMBER OF THE CONSTITUTIONAL CONVENTION AND  
A MINIATURE OF WASHINGTON PAINTED BY BIRCH

TO BE SOLD

THURSDAY EVENING, APRIL 19, 1917  
BEGINNING AT 8:15 O'CLOCK

*On Public Exhibition from Thursday, April 12th*

**THE ANDERSON GALLERIES**

MADISON AVENUE AT FORTIETH STREET  
NEW YORK



# CONDITIONS OF SALE

1. All bids to be PER LOT as numbered in the Catalogue.
2. The highest bidder to be the buyer; in all cases of disputed bids the lot shall be resold, but the Auctioneer will use his judgment as to the good faith of all claims and his decision shall be final. He also reserves the right to reject any fractional or nominal bid which in his judgment may delay or injuriously affect the sale.
3. Buyers to give their names and addresses and to make such cash payments on account as may be required, in default of which the lots purchased to be resold immediately.
4. The lots to be taken away at the buyer's expense and risk within twenty-four hours from the conclusion of the sale, and the remainder of the purchase money to be absolutely paid on or before delivery, in default of which The Anderson Galleries, Incorporated, will not be responsible if the lot or lots be lost, stolen, damaged, or destroyed, but they will be left at the sole risk of the purchaser, and subject to storage charges.
5. To prevent inaccuracy in delivery, and inconvenience in the settlement of purchases, no lot will be delivered during the sale.
6. All lots will be exposed for public exhibition in The Anderson Galleries before the date of sale, for examination by intending purchasers, and The Anderson Galleries, Incorporated, will not be responsible for the correctness of the description, authenticity, genuineness, or for any defect or fault in or concerning any lot, and makes no warranty whatever, but will sell each lot exactly as it is, WITHOUT RECOURSE. But upon receiving before the date of sale, expert opinion in writing that any lot is not as represented, The Anderson Galleries, Incorporated, will use every effort to furnish proof to the contrary, and in default of such proof the lot will be sold subject to the declaration of the aforesaid expert, he being liable to the owner or owners thereof for damage or injury occasioned by such declaration.
7. TERMS CASH. Upon failure to comply with the above conditions any sum deposited as part payment shall be forfeited, and all such lots as remain uncleared after twenty-four hours from the conclusion of the sale, will be resold by either private or public sale at such time as The Anderson Galleries, Incorporated, shall determine, without further notice, and if any deficiency arises from such resale it shall be made good by the defaulter at this sale together with all the expenses incurred thereby. This condition shall be without prejudice to the right of The Anderson Galleries, Incorporated, to enforce the contract with the buyer, without such re-sale.
8. BIDS. We make no charge for executing orders for our customers and use all bids competitively, buying at the lowest price permitted by other bids.
9. The Anderson Galleries, Incorporated, will afford every facility for the employment of carriers and packers by the purchasers, but will not be responsible for any damage arising from the acts of such carriers and packers.

*Priced Copy of this Catalogue may be secured for \$1.00*

## The Anderson Galleries

INCORPORATED

MADISON AVENUE AT FORTIETH STREET, NEW YORK  
TELEPHONE, MURRAY HILL, 7680

SALES CONDUCTED BY MR. FREDERICK A. CHAPMAN

HISTORICAL RELICS OF  
**GEORGE WASHINGTON**

INHERITED AND COLLECTED BY  
MR. WILLIAM LANIER WASHINGTON



## INTRODUCTION

MR. WILLIAM LANIER WASHINGTON of New York, a direct descendant of two of George Washington's brothers, and the hereditary representative of General Washington in the Society of the Cincinnati, has inherited through five family sources a remarkable collection of the relics of Washington, which, with one exception, are now offered at unrestricted public sale. It is the last collection in the possession of a member of the Washington family that is likely to come on the market. Most of the other inherited relics have been deposited permanently at Mount Vernon and in other public institutions.

The Relics consist of articles of silver and tableware owned by General Washington and used at Mount Vernon, snuff boxes, writing case, the sword-belt buckle used to fasten the belt from which one of Washington's swords depended during the War of the Revolution, shoe buckles, money scales and weights, candlesticks, whist counters, reading glass, two silver Camp Cups and a silver serving spoon used by Washington during the Revolution, Martha Washington's teaspoon and money purse, the wedding ring of Washington's mother, a magnificent portrait of Washington by Rembrandt Peale, the only authentic portrait of Washington's mother, and other relics of the highest interest and importance.

In the catalogue the Relics are divided into two parts, the first consisting of those inherited by Mr. Washington through various branches of the Washington family and the second of the Washingtoniana gathered from other sources during the past thirty-five years by him and his father, the late Major James Barroll Washington. Certificates of the authenticity of the relics will be furnished to buyers on request.

Colonel William Augustine Washington, the great-great-grandfather of Mr. William Lanier Washington, was the only son of Augustine Washington, the eldest half-brother of General George Washington; he was the eldest of Washington's nephews and was in closer association with him than any other relative; he was consulted frequently on matters of business, and was the first executor after Martha Washington named in General Washington's will:

### EXTRACT

"Lastly—I constitute and appoint my dearly deloved wife, Martha Washington, my nephews, William Augustine Washington, Bushrod Washington, George Steptoe Washington, Samuel Washington and Lawrence Lewis and my ward, George Washington Parke Custis (when he shall have arrived at the age of twenty years) Executrix and Executors of this Will and Testament."

By this will the first choice of the five swords bequeathed by General Washington was given to Colonel William Augustine Washington, and during Gen-

eral Washington's lifetime he received from his uncle personal gifts, among which were the two silver Camp Cups used by General Washington throughout the War of the Revolution, which are now in this sale (Number 32).

Colonel William Augustine Washington married his half-cousin, Jane Washington, the eldest child of Colonel John Augustine Washington, a younger full brother of General Washington. She was the sister of Bushrod Washington, a Justice of the Supreme Court of the United States who inherited Mount Vernon and General Washington's library and papers under General Washington's will:

#### EXTRACT

"Item—To my nephew, Bushrod Washington, I give and bequeath all the papers in my possession which relate to my civil and military administration of the affairs of this Country; I leave him also such of my private papers as are worth preserving, and at the decease of my wife, and before, if she is not inclined to retain them, I give and bequeath my library of books and pamphlets of every kind."

Lawrence Washington, who bequeathed Mount Vernon to his half-brother, George Washington, did so with the suggestion that if George Washington died without issue the estate should revert to the son of Lawrence Washington's full-brother, Augustine Washington, namely, Colonel William Augustine Washington; but it is believed that General Washington disregarded the suggestion and bequeathed Mount Vernon to his nephew, Justice Bushrod Washington, because he was in less fortunate circumstances than Colonel William Augustine Washington, who was a man of affairs and the owner of four handsome estates.

Colonel George Corbin Washington (the great-grandfather of Mr. William Lanier Washington) was the son of Colonel William Augustine Washington and his wife, the above-mentioned Jane Washington. He inherited from his father the sword of General Washington and many other relics of his great uncle.

He also inherited from his uncle, Justice Bushrod Washington, who died childless, all the books of General Washington's library, his papers, his pistols, and the sword which his uncle had received through General Washington's will, as is shown by the following paragraphs in Justice Bushrod Washington's will:

"Thirteenth—All the papers and letter books devised to me by my uncle, General Washington, as well as the books in my study, other than law books, I give to my nephew, George C. Washington.

"Fourteenth—The sword left to me by General Washington I give to the aforesaid George C. Washington, under the same injunctions that it was bestowed to me."

Colonel George Corbin Washington had only one son who lived to maturity, Colonel Lewis William Washington (the grandfather of Mr. William Lanier Washington) who inherited from his father the greater portion of the relics of



General Washington that he had received through three direct family sources, namely, through his father, Colonel William Augustine Washington; through his mother, Jane Washington (daughter of General Washington's full-brother), and through his uncle, Justice Bushrod Washington.

When Colonel George Corbin Washington's brother Bushrod Washington (a nephew of Justice Bushrod Washington) died he left a young daughter, Frances Washington, whom George Corbin Washington took into his family and to whom he subsequently gave several relics of General Washington. The remainder he left to his only son, Lewis William Washington, as appears by these extracts from his will:

"Item—I give to my son, Lewis W. Washington, all my papers other than those relating to my private business. . . . I also give to my son, Lewis W. Washington, the sword of General George Washington, devised to me by my father, and also the sword and pistol (one of them being lost) of the said General George Washington, devised to me by my uncle, Judge Bushrod Washington.

"Item—I give to my son, Lewis, my law books, public documents, and such other portion of my library as my wife may not wish to retain."

Colonel Lewis William Washington married, as his second wife, the great-granddaughter of General Washington's only sister, Betty Washington, who had inherited several important relics from General Washington's sister and from General Washington's adopted daughter, Eleanor Parke Custis, among which was the Bible of General Washington's mother, now at Mount Vernon.

It will be seen from the foregoing that in the possession of Colonel Lewis William Washington were concentrated the relics of General Washington from five family sources.

Colonel Lewis William Washington had one son by his first marriage, Major James Barroll Washington, C.S.A., and by his second marriage one son, William de Hertburn Washington. The latter died without issue.

The only living child of the late Major James Barroll Washington is Mr. William Lanier Washington, now of New York City, who inherited several important relics from his half uncle, William de Hertburn Washington, and the relics which belonged to his father.

Frances Washington, above mentioned, to whom George Corbin Washington gave several important relics of General Washington, died without issue and these relics, among which were the silver Camp Cups, reverted to George Corbin Washington's grandson, Major James Barroll Washington and his son, Mr. William Lanier Washington.

These genealogical summaries are given to explain the history and descent of these relics from General Washington to their present owner, Mr. William Lanier Washington, who being childless and having no near relatives to inherit, has decided to disperse the Collections that they may be cared for permanently by public institutions or cherished by patriotic private collectors.



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# RELICS OF GEORGE WASHINGTON

CONSIGNED FOR UNRESTRICTED PUBLIC SALE BY

MR. WILLIAM LANIER WASHINGTON

Thursday Evening, April 19, 1917, at 8:15 o'clock

## PART I

The Relics in the First Part of Mr. Washington's Collection were inherited and obtained by him from members of his family on the lines as shown in the Introduction

### 1 COAT BUTTON WORN BY GENERAL WASHINGTON

Mounted with two contemporary patriotic buttons with the initials "G. W." in centre. Marked with inscription "Long Live the President." Two different varieties of these rare buttons worn while Washington was President of the United States. 3 pieces in frame.

### 2 FRAGMENTS OF TWO SILK GOWNS WORN BY MARTHA WASHINGTON

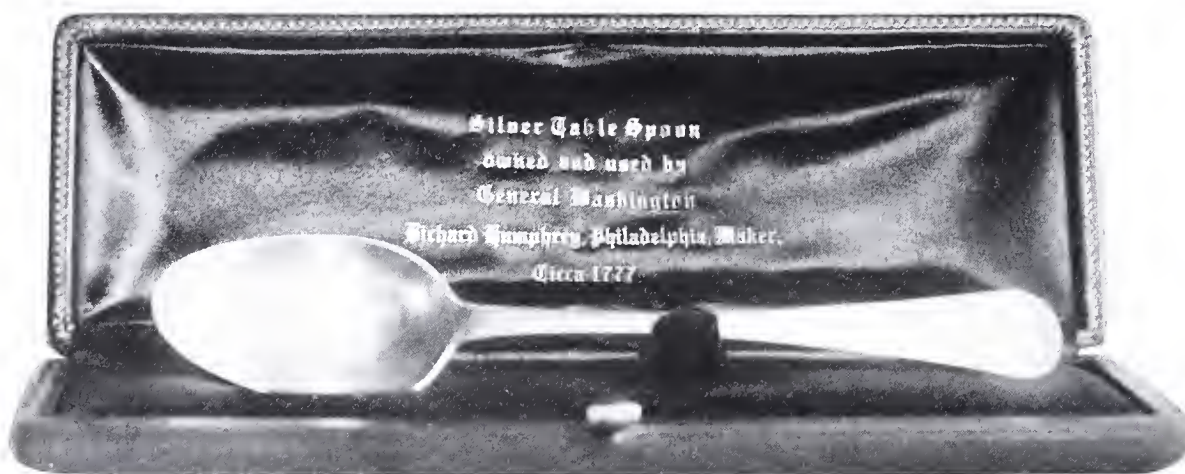
Mounted in antique mahogany frame.



3 FOUR ENGRAVED COPPER BUTTONS FROM GENERAL WASHINGTON'S DRESS COAT

Worn while President of the United States.

In fine black morocco case with inscription.



4 SILVER SERVING SPOON OWNED BY GENERAL WASHINGTON

Used by General Washington in his camp equipment during the War of the Revolution. Richard Humphreys, Philadelphia, maker, circa 1777.

In fine black morocco case with inscription.





#### 5 GENERAL WASHINGTON'S WINE GLASS

Cut glass, Colonial type. One of a set for serving Madeira at Mount Vernon. In very good condition.

In fine black morocco case with inscription.

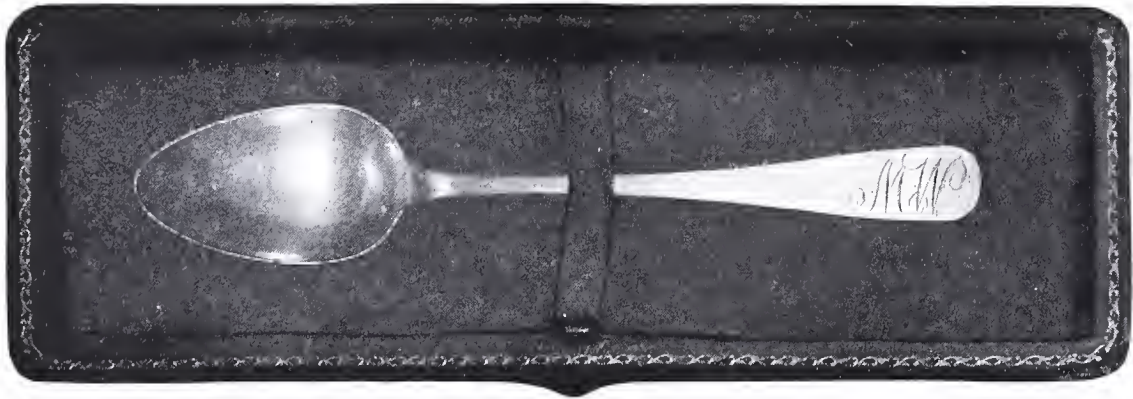
#### 6 GENERAL WASHINGTON'S WINE GLASSES

Two finely cut wine glasses, the remaining portion of one of the finest sets of wine glasses used by General Washington at Mount Vernon on state occasions. They are of English make and were imported by General Washington after his return to Mount Vernon to retire to private life. Both glasses are well preserved.

In fine morocco case with inscription.

#### 7 BROOCH FROM ONE OF GENERAL WASHINGTON'S SPOONS

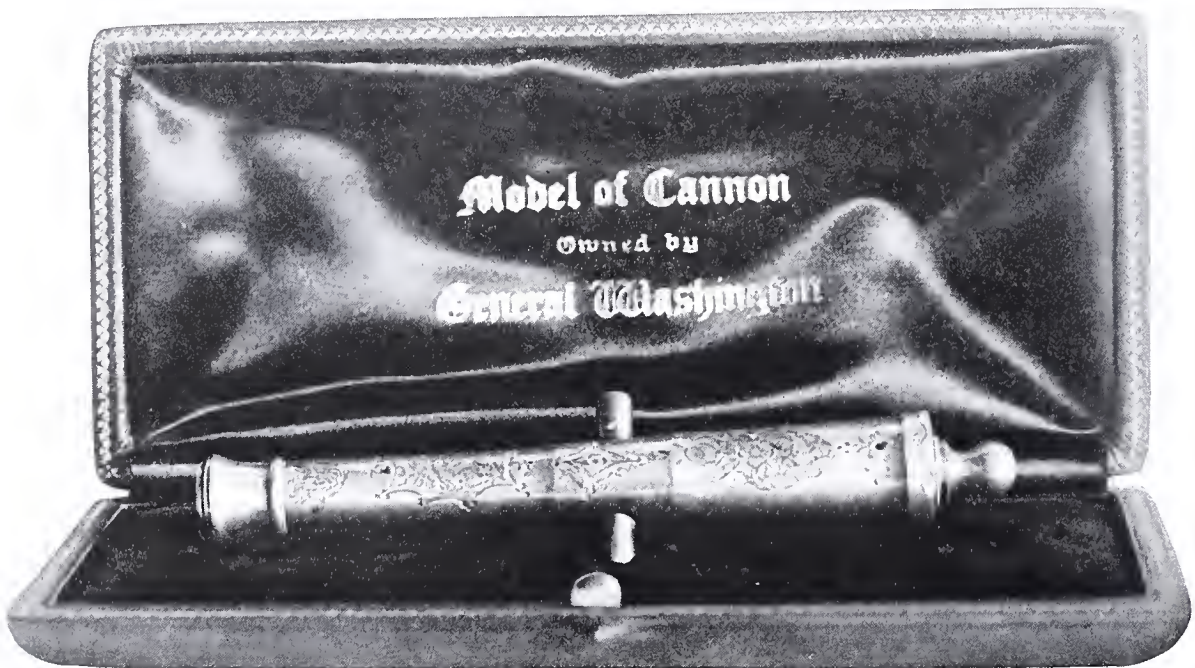
Wrought in the shape of a small hatchet from a broken silver spoon and engraved with the script monogram "G. W." Length,  $1\frac{5}{8}$  inches.



8 MARTHA WASHINGTON'S TEASPOON

A silver teaspoon of pure Colonial type. Length,  $5\frac{3}{4}$  inches. Marked in script "M. W.". One of a set in use at Mount Vernon during the life of General Washington, which is said to have been presented to Martha Washington by a French visitor at Mount Vernon. It has had considerable wear, as the maker's mark is almost obliterated, but the spoon is in excellent condition.

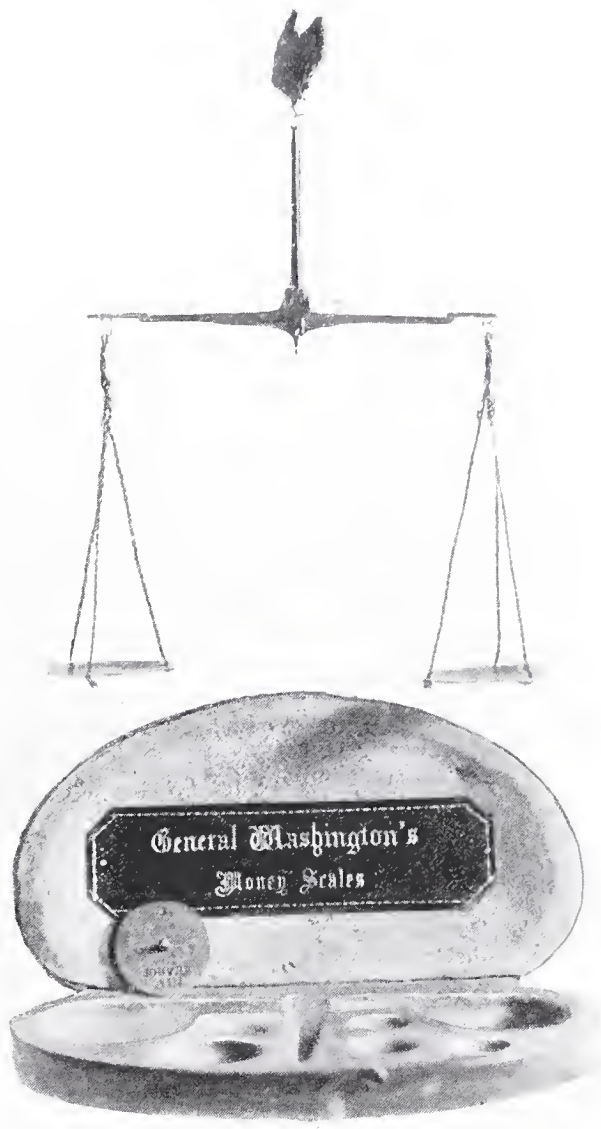
In fine black morocco case with inscription.



9 BRASS CANNON OWNED BY GENERAL WASHINGTON

This cannon is six and one-half inches long. It is characteristically engraved and is mentioned in the "Inventory of General Washington's Estate." It is apparently a reduced copy of an historic cannon, and no doubt was a memento of the sterling work of its prototype.

In fine black morocco case with inscription.



10 "MONEY SCALES OWNED BY GENERAL WASHINGTON

These money scales are listed in the "Inventory of the Estate." The one remaining weight is marked "1 Souver-ain."





11 MONEY WEIGHTS OWNED BY GENERAL WASHINGTON

Two sets of nested weights in bronze and of interesting workmanship, used by General Washington at Mount Vernon and inventoried by the executors of his estate.

In fine black morocco case with inscription.





12 TWO SCROLL EDGE DISHES FROM MOUNT VERNON

Owned by Justice Bushrod Washington. White porcelain with decorations of floral sprays in brown flecked with gold. Marked "Copeland and Garrett" (the original name of the Copeland Porcelain Factory in England). Length, 10 inches; width, 7 inches; depth,  $1\frac{1}{2}$  inch. Very unusual porcelain in perfect condition.

13 TWO OCTAGONAL DISHES

Match preceding.  $8\frac{1}{4}$  inches wide. In perfect condition.

14 TWO CAKE DISHES

Match the preceding. Width,  $8\frac{3}{8}$  inches and 9 inches; depth,  $1\frac{1}{2}$  inch. In perfect condition.



- 15 TORTOISE-SHELL SNUFF BOX OWNED BY WASHINGTON  
Inlaid with silver and gold piqué, marked "G. W." Inherited by the present owner from his father. The initials on the top appear to be facsimiles of Washington's handwriting. Length,  $4\frac{1}{4}$  inches; width,  $1\frac{3}{4}$  inches; depth, 1 inch.

In fine black morocco case with inscription.

- 16 BROOCH MADE FROM GENERAL WASHINGTON'S SPOONS  
This brooch was made many years ago with the script monogram "J. B. W." and given to the mother of the present owner by a member of the family who had these broken spoons and sought to utilize them as a souvenir. Size, 3 by 2 inches.

- 17 GEORGE CORBIN WASHINGTON  
Receipt for a runaway slave returned to Colonel Washington.

Washington, March 30th, 1853.

Received of Mr. Washington Six dollars and fifty cents in full for apprehending his slave Hamilton.  
James Bowen.



18 GENERAL WASHINGTON'S STEEL SHOE BUCKLES

Worn informally at Mount Vernon. These buckles are inventoried among the personal effects of General Washington by the executors of his estate. Size,  $2\frac{3}{4}$  by  $2\frac{5}{8}$  inches.

In fine black morocco case with inscription.



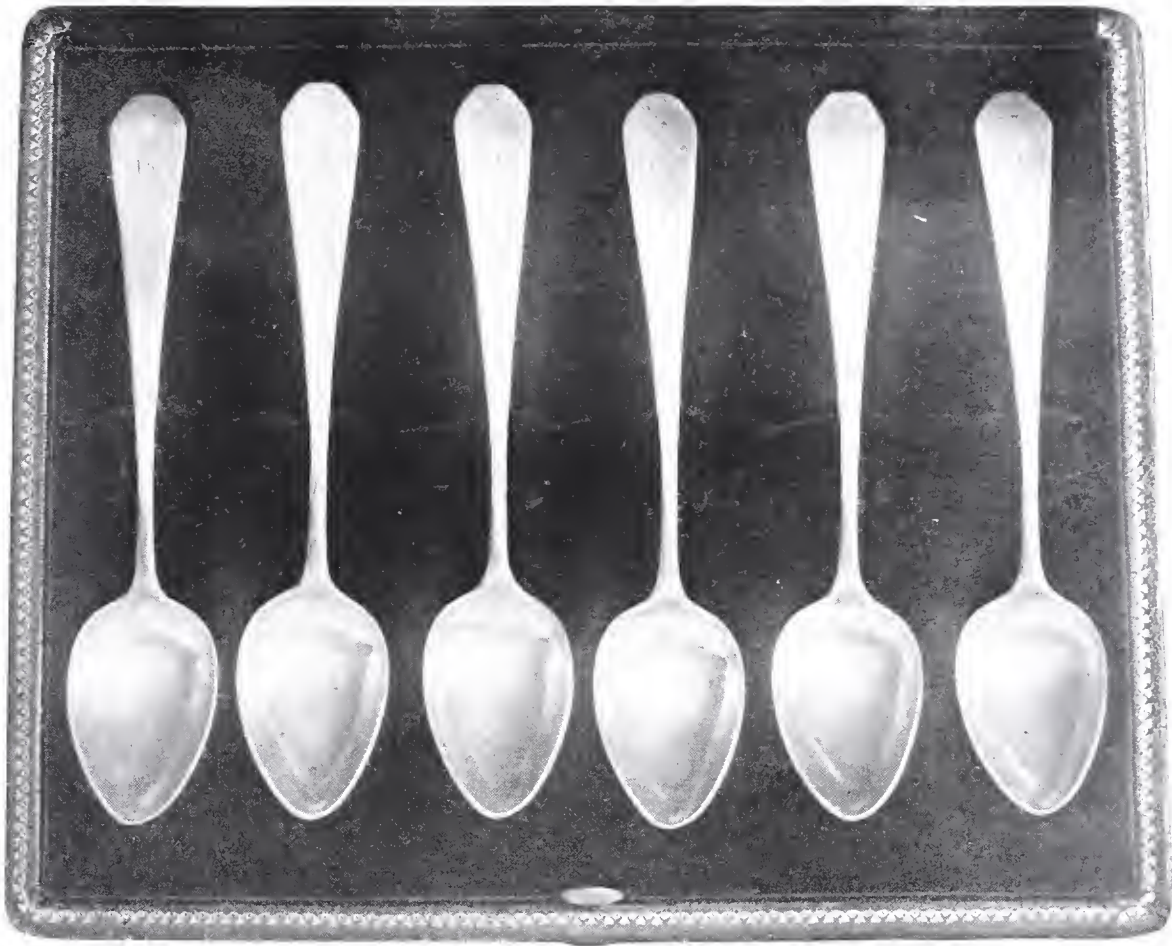


19 SNUFF BOX OWNED BY GENERAL WASHINGTON

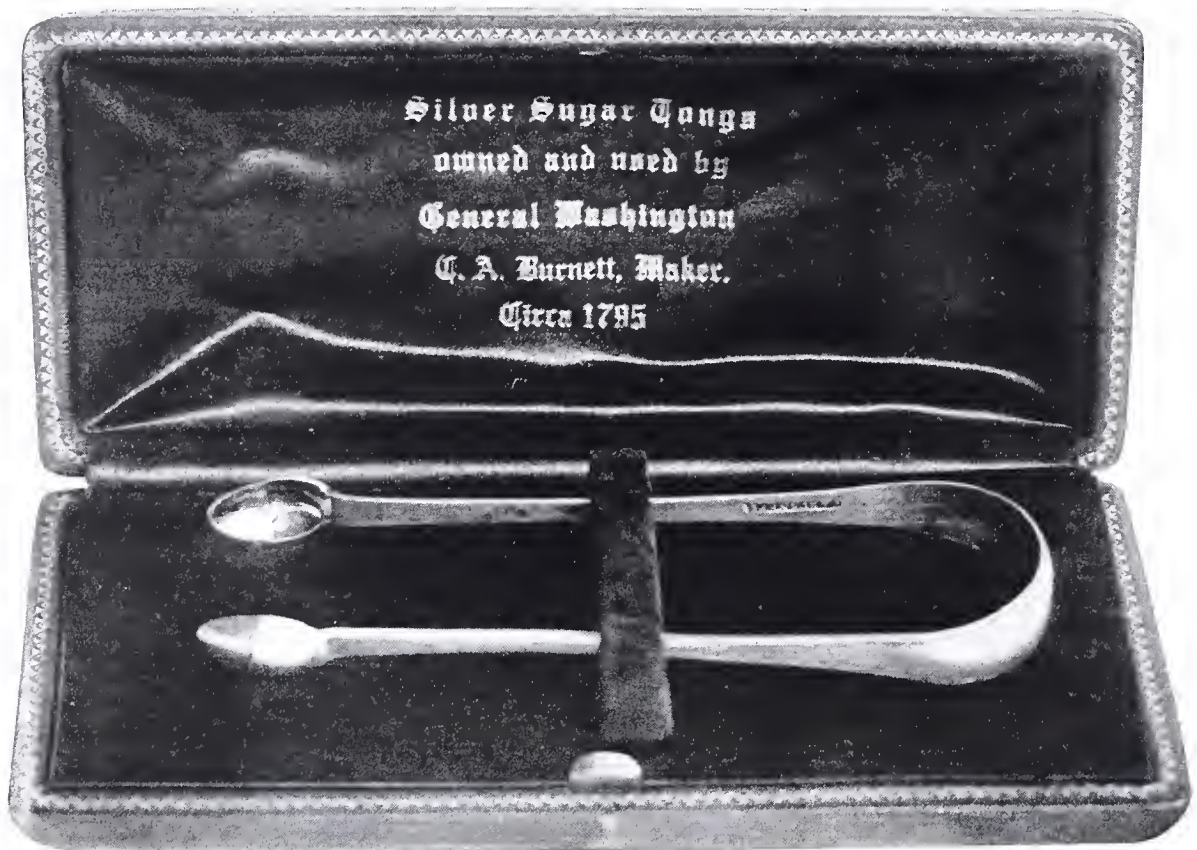
This snuff box, which is made of tortoise shell inlaid with gold, was given by General Washington to his nephew, Justice Bushrod Washington, of the Supreme Court of the United States. It was given by Justice Bushrod Washington to his nephew, Colonel George Corbin Washington, M.C., the great-grandfather of the present owner. The central ornament of this box has been lost or broken and has been replaced with a portrait of General Washington finely etched in gold on black glass.

In fine black morocco case with inscription.





- 20 SIX SILVER TEASPOONS OWNED BY GENERAL WASHINGTON  
And used by him at Mount Vernon. B. Wenman, New York, maker, circa  
1795. These spoons are in fine condition and form one of the most inter-  
esting items of Washington's table silver in existence.  
In fine black morocco case with inscription.



- 21 SILVER SUGAR TONGS OWNED BY GENERAL WASHINGTON  
And used by him at Mount Vernon. C. A. Burnett, Alexandria, Va., maker,  
circa 1797. Burnett made many pieces of silver for the Washington family.  
In fine black morocco case with inscription.



22 MINIATURE TRUNK

Given by General Washington to his adopted daughter, Eleanor Parke Custis. The small trunk is covered with the hide of a deer, on which the hair still remains, and is studded with brass-headed nails. It was used by Nellie Custis, granddaughter of Martha Washington and adopted daughter of General Washington, in which to keep her small belongings. The daughter of Eleanor Parke Custis gave this trunk to her first cousin, Betty Burnett Lewis, who was the mother of Mrs. Lewis William Washington, step-grandmother of the present owner. The size of the trunk is as follows: Length, 13½ inches; width, 8 inches; depth, 6 inches.

23 SILK BREECHES OWNED BY GENERAL WASHINGTON

Worn on formal occasions while President of the United States. These breeches are made of light-brown corded silk of superior quality. They remain in excellent condition and are an interesting relic of Washington's personality.

In glass case with inscription.





24 MARTHA WASHINGTON'S MONEY PURSE

Knitted in tan silk and embellished with cut steel beads, rings and tassels.  
In perfect condition.

In glass case with inscription.

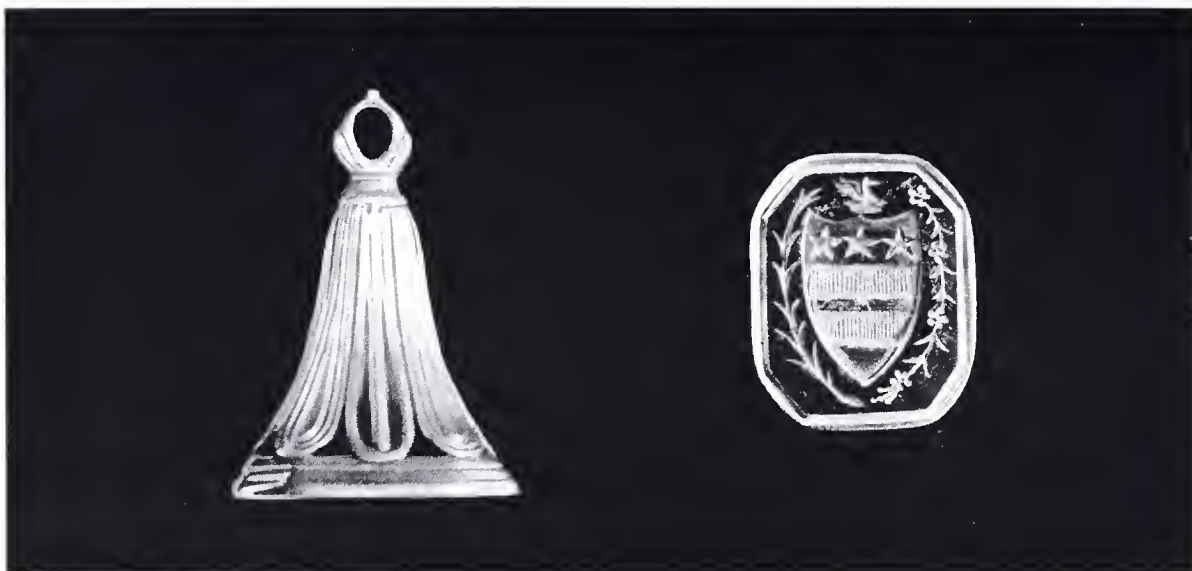




25 GENERAL WASHINGTON'S STEEL SWORD BELT BUCKLE

Worn during the War of the Revolution. With this buckle General Washington fastened the belt around his waist from which depended his sword throughout the seven years of the War of the Revolution. The sword is in the State Department at Washington, and is one of the most valuable and cherished relics of General Washington. The size of the buckle is  $2\frac{1}{2}$  by  $1\frac{1}{4}$  inches.

In fine black morocco case with inscription.



26 GOLD SEAL WITH WASHINGTON'S COAT-OF-ARMS

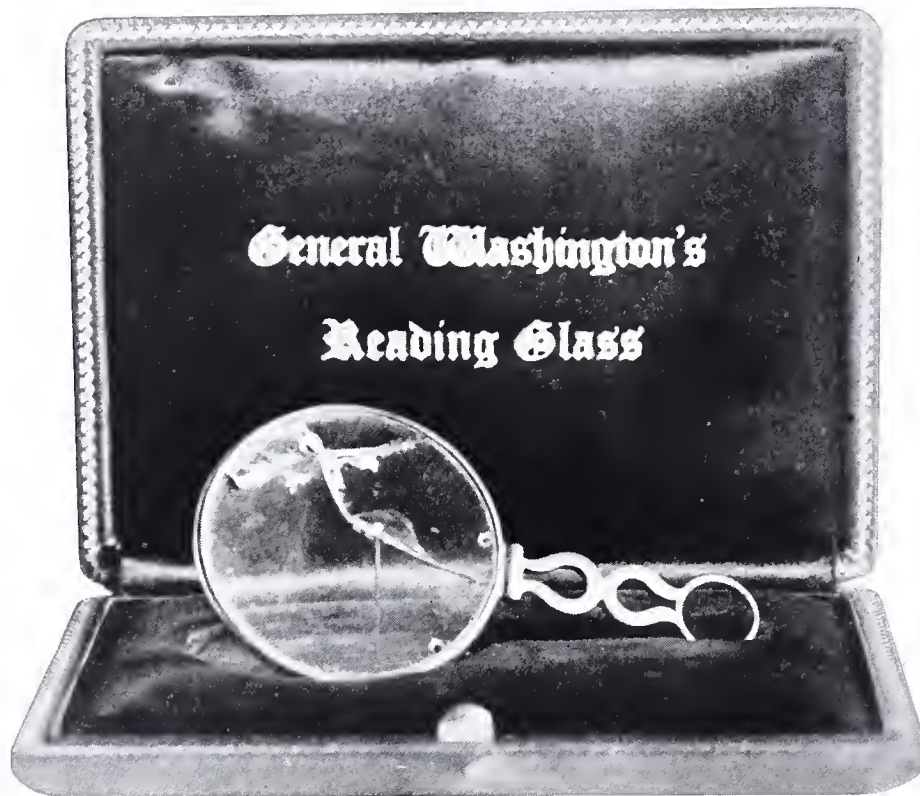
Cut in carnelian and mounted in gold. Given by General Washington to his brother, Colonel John Augustine Washington, the great-great-great-grandfather of the present owner. The photographs show the actual size of the seal.

In fine black morocco case with inscription.



27 CANDLESTICKS OWNED BY GENERAL WASHINGTON

This pair of candlesticks were used by General Washington on his desk at Mount Vernon. They are fine Sheffield plate; tapering and fluted shafts and bobeches, moulded and beaded circular bases, in manner of Sheraton Height, 10 inches.



28 READING GLASS OWNED BY GENERAL WASHINGTON

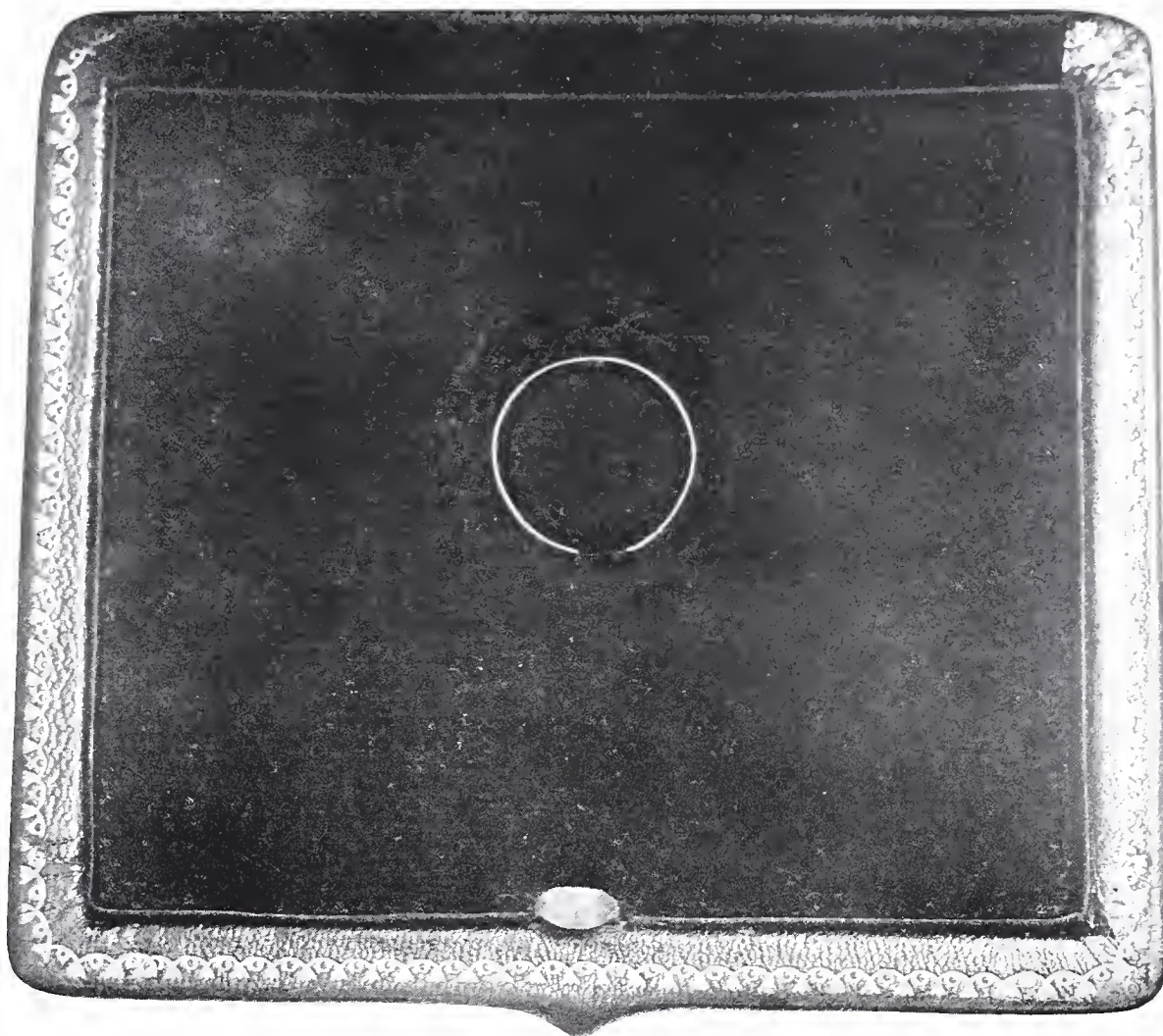
In his possession at the time of his death in 1799. Mentioned in an article by Annette Lewis Bassett (sister of the step-grandmother of the present owner of the reading glass) in *Scribner's Magazine* May, 1877, as follows:

"Washington's sun-glass, in a massive silver rim, with solid silver handle of quaint device, his sword-belt worn through the Revolutionary War, and a number of letters not yet given to the public are all in the possession of one lady." [The name of this lady is not mentioned but she refers no doubt to her sister, the widow of Colonel Lewis William Washington, grandfather of the present owner.]

Length,  $4\frac{1}{8}$  inches; diameter of the glass,  $2\frac{1}{8}$  inches.

In fine black morocco case with inscription.

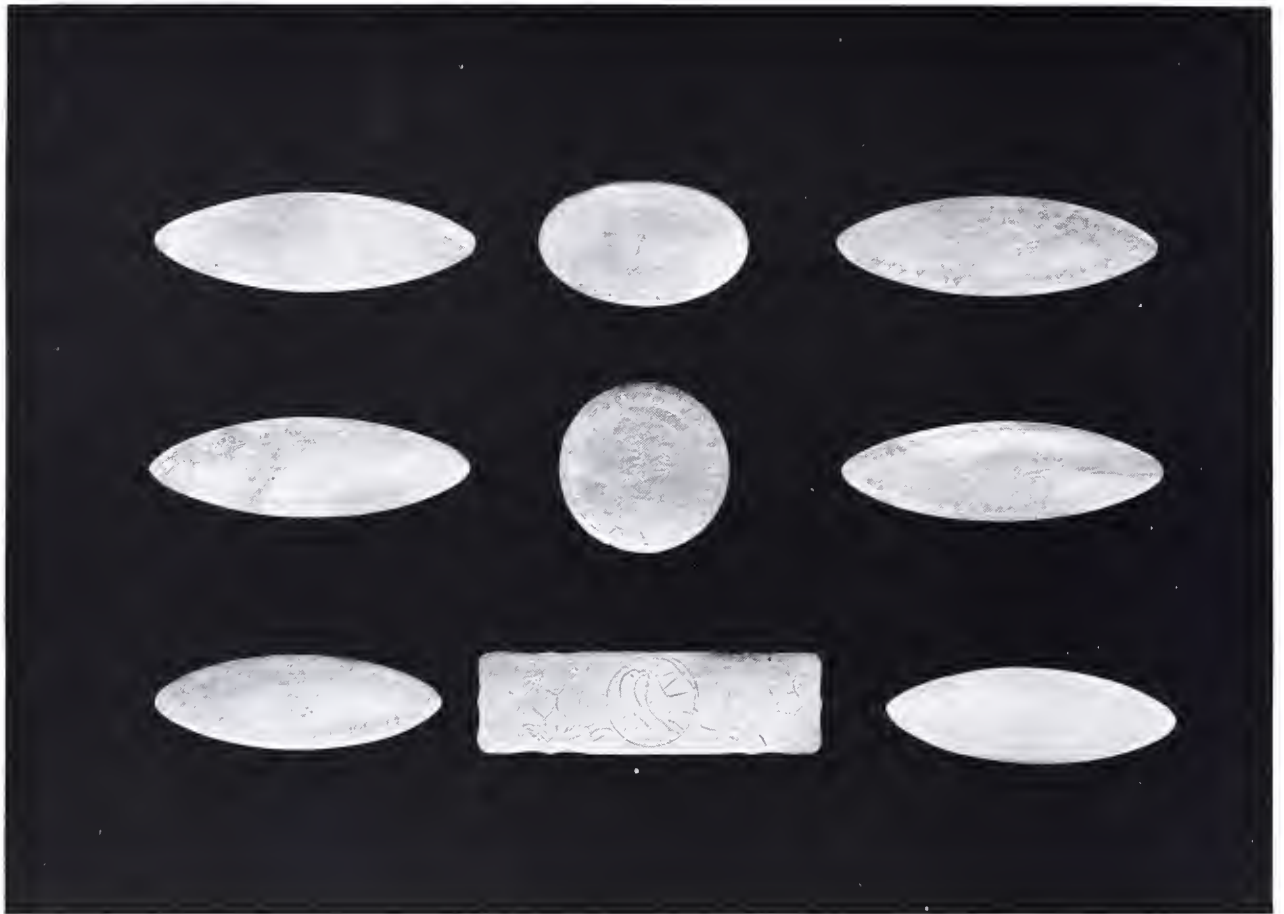




29 WEDDING RING OF GENERAL WASHINGTON'S MOTHER

Small well-worn broken band of gold, the ring with which Augustine Washington, father of George Washington, married Mary Ball. One of the very few relics of the mother of Washington extant and probably the most valuable of any known to be in existence. It is stated to have been taken from his mother's finger by General Washington at the time of her death and was given by him to his niece, Jane Washington, mother of George Corbin Washington, who in turn gave it to his niece, Frances Washington. Frances Washington before her death gave it to James Barroll Washington, father of the present owner, about 1895.

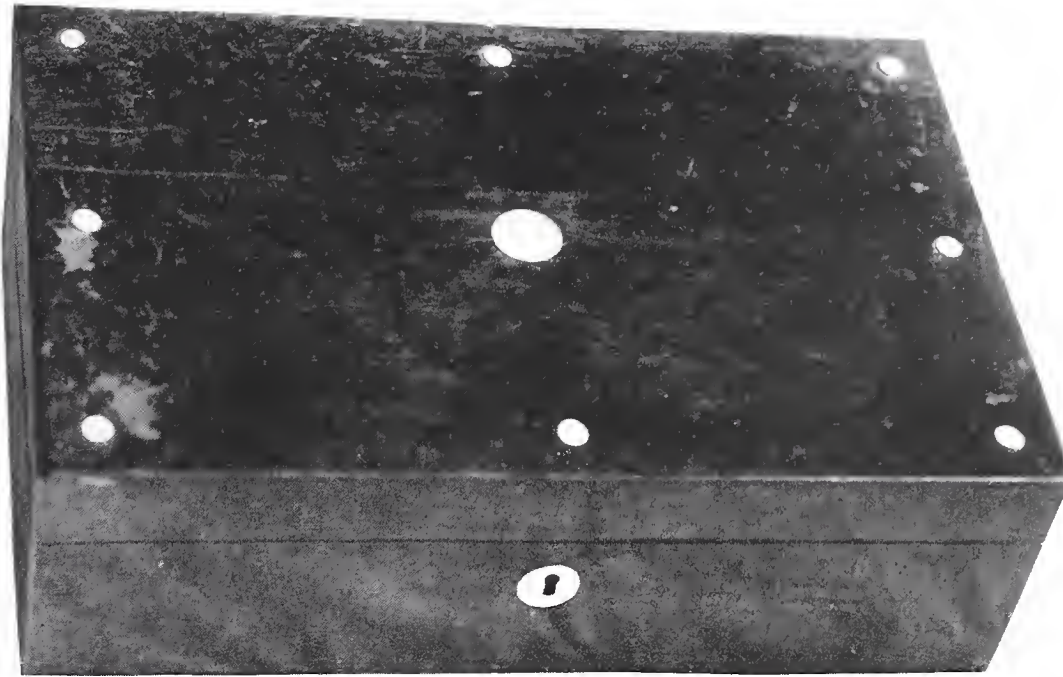
In black morocco case with inscription.



30 WHIST COUNTERS OWNED BY GENERAL WASHINGTON

Mother of pearl, handsomely engraved. In the original book of accounts kept by Lund Washington, overseer of Mount Vernon, from 1762 to 1784, appear entries on page 42, in the account with General Washington's brother, "Mr. Charles Washington," on the debit side, "To won at whist at your House, 7.6 shillings," on the credit side, "By Cash won at Mount Vernon, 5 shillings."

In mahogany case with inscription engraved on silver tablet.



31 WRITING CASE OWNED BY GENERAL WASHINGTON

The writing case is of rosewood with mother-of-pearl mountings. Length,  $13\frac{3}{4}$  inches; width,  $8\frac{3}{4}$  inches; height,  $4\frac{1}{2}$  inches. Attached to it is the statement in the writing of the grandfather of the present owner to the effect that it was given by General Washington to his nephew, Bushrod Washington, Justice of the Supreme Court of the United States, and its later line of descent as follows:

“This case was presented by General Washington to his nephew, Judge Bushrod Washington, and by him to his nephew, Colonel George Corbin Washington, and by him to his son, Lewis William Washington, in 1854.”

Also attached to the writing case is a statement in the handwriting of its present owner as follows:

“This writing case was inherited by William de Hertburn Washington, the youngest child of Lewis William Washington, whose statement in his own handwriting is attached to the case. Upon the death of William de Hertburn Washington in 1914, it was inherited by his nephew, William Lanier Washington, the present owner of this case.—William Lanier Washington, 1916.”



- 32 TWO SILVER CAMP CUPS OWNED BY GENERAL WASHINGTON  
Used by General Washington during the War of the Revolution. Edmund Milne, Philadelphia, maker, 1777. Size,  $3\frac{1}{4}$  inches high;  $2\frac{3}{4}$  inches wide at the top;  $2\frac{1}{2}$  inches wide at the bottom.

These cups were given by General Washington, during his life, to his nephew, Colonel William Augustine Washington, and are probably one of the most valuable and interesting relics of General Washington in existence. A reproduction of Milne's original bill for the making of these camp cups is shown in this catalogue. The original bill is not offered for sale as it is not now in Mr. Washington's collection, but a photographic facsimile of the exact size will accompany the cups. The name of the maker is stamped on the bottom of each cup. The cups show considerable use and wear and are somewhat dented and marked but have been retained in the state in which they left Washington's hands.

In fine black morocco case with inscription.

1777. A bill from Gen<sup>l</sup> Washington to Edm<sup>d</sup> Milne Dr  
for 12 silver Camp Cups w<sup>th</sup> a 14/2a L<sup>g</sup> 8. 4. 0.  
brought to the Collection L<sup>g</sup> 1. 3  
By the L<sup>g</sup> L<sup>g</sup> 13. 18  
Remaining 1 15 a 20/100 1. 15  
Brought to the Collection L<sup>g</sup> 6. 13





GENERAL WASHINGTON'S SILVER CAMP CUPS

ACTUAL SIZE

[Number 32]



# WASHINGTONIANA

CONSIGNED BY

MR. WILLIAM LANIER WASHINGTON

## PART II

The following Relics of General Washington were collected during the past thirty-five years by the late Major James Barroll Washington and his son, Mr. William Lanier Washington

### AUTOGRAPHS

- 33 ADAMS (JOHN QUINCY). L.S., 1 p. 4to. Washington, Dec. 28, 1822. In a frame and glazed.

To Andrew Gregg, Secretary of State for Pennsylvania. An interesting letter regarding the extradition treaties existing between the United States and Great Britain, and their application.

- 34 JEFFERSON (THOMAS). A.L.S., 1 p. 4to. Monticello, March 11, 1795. Framed with a portrait.

An interesting letter to Justice Bushrod Washington, in which Jefferson asks him to act for the defendant in a legal case in which he is interested. It concludes: "The change of the laws during my absence, & my ignorance of them is my true apology for this question."

- 35 LAFAYETTE (MARQUIS DE). A.L.S., 1¼ pp. 4to. La Grange, December 10, 1828. In a frame with a portrait, glazed.

Evidently written to Richard Rush, who was at this time Secretary of the Treasury in the cabinet of President Adams. The letter mentions a forthcoming Treasury report, and the comparisons he has made between American and European budgets.

- 36 WASHINGTON (GEORGE). D.S., 1 p. large 4to. Philadelphia, December 22, 1796. In a frame, glazed.

Appointment of Aquila Giles as marshal. The document is written on vellum and bears the signature of Timothy Pickering as Secretary of State, and the Seal of the United States. With this is a framed steel engraving of General Aquila Giles. (2 pieces.)

## BOOKS FROM WASHINGTON'S LIBRARY

- 37 BURN (RICHARD). The Justice of the Peace and Parish Officer. 11th Edition. Vols. 1, 3 and 4 (lacks Vol. 2). 3 vols., 8vo, old calf. Lond. 1770.

George Washington's Copy, but without either his autograph or bookplate. The set of four vols. appears on the inventory of his personal effects, and they were included in the sale held in Philadelphia in 1891. Inserted is a sworn declaration of Lawrence Washington that these volumes belonged to General Washington and were from his Library at Mount Vernon.

- 38 AMERICAN MUSEUM; or, Universal Magazine. Issues for Sept., 1789 (lacking title); Jan., 1791; Dec., 1791; Jan. to May, and Nov. and Dec., 1792. Bound in one vol., 8vo, half sheep. Phila., 1789-92.

The issue for Jan., 1791, has autograph of Bushrod Washington on title. Inserted is a statement signed by Lawrence Washington that these numbers, which his father had bound, formed a part of the personal library of George Washington, at Mount Vernon, and giving the subsequent history of the volume, which latterly was the property of Bishop Hurst.

Lawrence Washington was the son of John Augustine Washington, the last member of the Washington family who owned Mount Vernon.

- 
- 39 MINIATURE OF GENERAL WASHINGTON ON IVORY  
Painted after the portrait of Washington by Joseph Wright. Signed B. L.  
In a heavy antique gilded frame.





#### 40 TWO OFFICERS' SWORDS

Used in the War of the Revolution. The ivory handle of one is mounted with wrought steel; the handle of the other is of ivory with bronze mounting. Rare specimens. Length, 36 inches. In a mahogany case.

#### 41 FIGURE OF WASHINGTON

Three-quarter length showing Washington in uniform holding a sword in his two hands. Composition painted in life-like glazed colors. Size, 16½ x 12½ inches. In antique gilded frame.

#### 42 PORTRAIT OF GEORGE WASHINGTON

By Chas. Fenderich. Bust portrait in oils, with head slightly turned looking to the right. It was inherited by Mr. William Lanier Washington from his father who bought it many years ago from a member of the Fenderich family. In gilt frame. Size, 30 x 25 inches.

With this is a lithograph of the same portrait published by Charles Fenderich.

43 TWELVE TABLE KNIVES

Ivory handles with silver mounts. On the handles of the knives is a carved head of Washington in relief, after Houdon's famous model. These were part of the set said to have been made in Sheffield and presented to General Washington during the late years of his residence at Mount Vernon. It is said that Washington gave them to the wife of a member of his former military staff, from a descendant of whom they were obtained about ten years ago. At the time they were acquired by Mr. Washington they were submitted to the Curator of Metals at the Metropolitan Museum, New York, who after examination, wrote as follows:

Dear Mr. Washington:

. . . The maker of your knives, J. Garside, was well known in Sheffield; and from the history of the cutler's company I find that he was an apprentice in 1765.

Yours very truly,

[Signed] John H. Buck, Curator.

Marked, J. Garside, Superior Cutlery. Length of steel,  $6\frac{1}{2}$  inches; length of handle,  $3\frac{3}{4}$  inches; silver mount,  $\frac{1}{2}$  inch.

44 ELEVEN TABLE KNIVES

Similar to preceding but smaller in size. Length of steel,  $4\frac{3}{4}$  inches; length of handle,  $3\frac{1}{4}$  inches; silver mount,  $\frac{3}{8}$  inch.

45 CARVING KNIFE, FORK AND STEEL

Match the preceding. Length of knife blade,  $9\frac{1}{4}$  inches; ivory handle,  $4\frac{1}{2}$  inches; silver mount,  $\frac{1}{2}$  inch. Length of fork, 5 inches; handle,  $4\frac{3}{4}$  inches; silver mount,  $\frac{1}{2}$  inch. Length of steel,  $7\frac{1}{4}$  inches; handle,  $3\frac{3}{4}$  inches; mount,  $\frac{1}{2}$  inch.



CUTLERY FROM MOUNT VERNON

[Numbers 43, 44, and 45]





46 LARGE SHEFFIELD TRAY

Entwined leaf scroll edge and handles. The center is engraved with a head of Washington surrounded by flags. The eagle is engraved at the foot of the portrait standing on a shield which rests on a sheaf of wheat and corn through which a ribbon runs enumerating the names of the grain-bearing States. Size, 26 x 18 inches. In a glass case.

47 OVAL STIPPLE PROFILE PORTRAIT OF GEORGE WASHINGTON

On the back of this appears the following:

The God-like Washington died 14th Decr., 1799. *All America in tears.* The within is the best likeness I have seen. The hair is of his own head, this will increase its value with time. It's my earnest Request this may be preserved to succeeding Generations. The hair was presented to me by Maj. Billings. Con. Army. *Certificate:*

This may certify that the within hair was inclosed by Gen'l Washington in a letter to me dated Newburgh, June '83 as his own hair. Jany. 1, 1810.

And. Billings.

This portrait was given to the father of the present owner by his aunt by marriage, who was the granddaughter of Major Andrew Billings, attaché to General Washington and who inherited the lock of Washington's hair referred to above, but which is not offered with this portrait.





48 MOURNING LOCKET

Worn at the time of Washington's death. Female figure in mourning leaning on Washington's tomb, on which his portrait appears. Painted on ivory and mounted in gold. Size,  $1\frac{3}{4}$  x  $1\frac{1}{2}$  inches.

49 MOURNING PIN

Worn at the time of Washington's death. Lozenge shape, mounted in gold with blue and white enamel frame. Painted on ivory with the figure of Washington in the sky. A female figure is leaning on the tomb; she bears in her hand a staff on which the cap of Liberty is hung. Size,  $1\frac{1}{2}$  x  $\frac{7}{8}$  inches.

50 MOURNING LOCKET

Worn in commemoration of Washington's death. Seated female figure is leaning on Washington's tomb, on which his portrait is seen. Painted on ivory and mounted in gold. Size, 2 x  $1\frac{1}{2}$  inches.

51 HEAD OF GENERAL WASHINGTON IN SILVER

Exquisitely hand wrought in solid silver in low relief, after the drawing by St. Memin. The silver wreath surrounding the head is tied at the bottom with a silver bowknot bearing the inscription, "Washington, Born Feb. 22, 1732; died Dec. 14, 1799." Height of head,  $8\frac{1}{2}$  inches; width, 5 inches. The wreath is comprised of about seventy laurel leaves, four at the bottom tapering to one at the top. In contemporaneous deep oval gilded frame.

52 WAX HEAD OF GENERAL WASHINGTON

From St. Memin's drawing. This model is that from which the silver head (see Lot 51) was made. An exquisite example of wax modelling; in low relief. Height,  $8\frac{1}{2}$  inches; width, 5 inches.



HEAD OF WASHINGTON IN SOLID SILVER

[Number 51]

53 BUST OF GENERAL WASHINGTON

Very life-like and colored to nature. Executed in high relief in composition. Under oval glass in antique frame. Size, 9 x 7 inches.

54 PITCHER PORTRAIT OF WASHINGTON ON LIVERPOOL WARE

Mounted under glass in a black frame with brass rim. This famous "Pitcher Portrait" of Washington is exceedingly rare. Size, 4 x 4 $\frac{7}{8}$  inches.

55 SMALL BRONZE STANDING FIGURE OF WASHINGTON

Very rare and contemporaneous bronze. On a marble base of two colors. Height of figure, 8 inches; height of base, 4 $\frac{1}{2}$  inches.





56 STAFFORDSHIRE STANDING FIGURE OF WASHINGTON

One of the rare original figures of Washington made in Staffordshire during his life time. The decoration which is of gold and white is unusual. The lower part of this figure has been damaged and restored so cleverly that it is hardly discernible. Height,  $14\frac{1}{4}$  inches.

57 PORCELAIN BUST OF WASHINGTON

Excessively rare, in bisque on a white porcelain base, decorated with gold and with the inscription "Washington." Height of bust,  $2\frac{3}{4}$  inches; height of base,  $2\frac{1}{4}$  inches. The owner of this piece has seen no duplicate and considers it one of the rarest pieces in his collection.



58 BUST OF GEORGE WASHINGTON

Rare Staffordshire; showing the subject with black coat and flowered waistcoat. This bust of George Washington in its original state is excessively rare and the owner knows of but one other similar, which, he is informed, is in the British Museum. This bust has been reproduced several times during the last fifty years and these reproductions should not be confused with the original. Height,  $8\frac{1}{2}$  inches.

59 CONTEMPORANEOUS LIVERPOOL WARE BOWL

In the center of the bowl is an oval portrait of Washington supported on either side by two draped figures. The one on the right is represented as saying, "Deafness to the ear that will patiently hear and Dumbness to the Tongue that will utter a Calumny against the immortal Washington," and the one on the left, "My Favorite Son." Underneath, "Long Live the President of the United States." On the outside are two rustic scenes, which appear to reproduce Wakefield, the birthplace of General Washington. Diameter, 6 inches; depth,  $2\frac{3}{4}$  inches.

A very interesting and excessively rare bowl, no other being known.



60 LEAD STATUETTE OF WASHINGTON

In military costume standing by a cannon; on small base. A very rare contemporary specimen. Height, 9½ inches.

61 LEAD STATUETTE OF FRANKLIN

Standing figure, companion to the above.

62 PORTRAIT OF WASHINGTON

A copy in oils, presumably from the brush of Jane Stuart, daughter of Gilbert Stuart, of Stuart's Lansdowne portrait. Inherited by Mr. William Lanier Washington from his father. Size, 36 x 25 inches. In a contemporary frame.

63 THREE ENGRAVED PORTRAITS

George Washington, engraved by Rollinson, published by I. Reid, New York, 1796, and two others. In one frame.

64 GEORGE WASHINGTON

Stipple engraving printed in colors by W. Nutter after Stuart. London, published Jany. 15, 1798, by R. Cribb Holborn. Framed. Very rare.

65 GEORGE WASHINGTON

Medallion portrait engraved by B. L. Prevost after Du Similier, and one other. In one frame.

66 EARLY DAGUERRETYPE OF WASHINGTON

Made by S. F. B. Morse, Boston, in May, 1846, of the Gilbert Stuart Athenæum Portrait of Washington. It is well known that Morse did much experimental work in photography and among his earliest attempts was that of a reproduction of Stuart's portrait of Washington. It is said that in order to obtain this daguerreotype photograph an exposure of several hours was required and success was obtained only after many failures. (See Life of Morse.) The daguerreotype plate is 5 x 4 $\frac{1}{4}$  inches, with a gilt metal mat showing an oval of 3 $\frac{3}{4}$  x 3 inches.





67 BRONZE STATUETTE OF WASHINGTON

Finely modelled standing figure. On fluted half column of white marble, ormolu mounted. Height of figure,  $9\frac{1}{2}$  inches; height of base, 5 inches.

68 BRONZE STATUETTE OF FRANKLIN

Standing figure. Companion to the preceding.

69 RARE CONTEMPORARY CHINTZ PANEL

A center medallion holds the portrait of Washington and is surmounted by the Coat-of-Arms of the United States, dated 1776, and an inscription, "Liberty and Independence our Country's Pride and Boast." On the right and left are medallion portraits of Jefferson and Madison. Below, on each side, are four scenes of naval engagements in medallions entwined with ribbons and wreaths, which are inscribed with the sayings of the respective commanders, whose flags are flying.

In the center are three large ovals depicting the battle of Lake Erie with Perry's message: "We have met the enemy and they are ours"; the battle of Lake Champlain, and "The Glorious finishing, New Orleans," with the inscription, "Without the advantages of discipline we have conquer'd conquerors.—Jackson." On either side of this medallion is a flag, one bearing the inscription, "The Peasantry of America who know their Rights and their Duties." The other, "The Right Hand of Fellowship to all Nations who deserve it." At the foot of the piece on the left is the figure of a woman holding a scroll which reads, "Hail Columbia happy Land. Be then forever great and free, the land of love and Liberty." On the right is the figure of a man holding a flag inscribed, "Millions for Defence, not a cent for Tribute. Columbia fears no haughty Foe, who ploughs the stormy main. Her Home's a mighty Continent, her Wealth, her wide Domain." At the base an inscription, "Free trade and Sailors' Rights. Rodgers. Porter."

Printed in mulberry on deep ivory ground. In fine proof condition. Size, 32 x 24 inches. In gold frame with black glass mat.

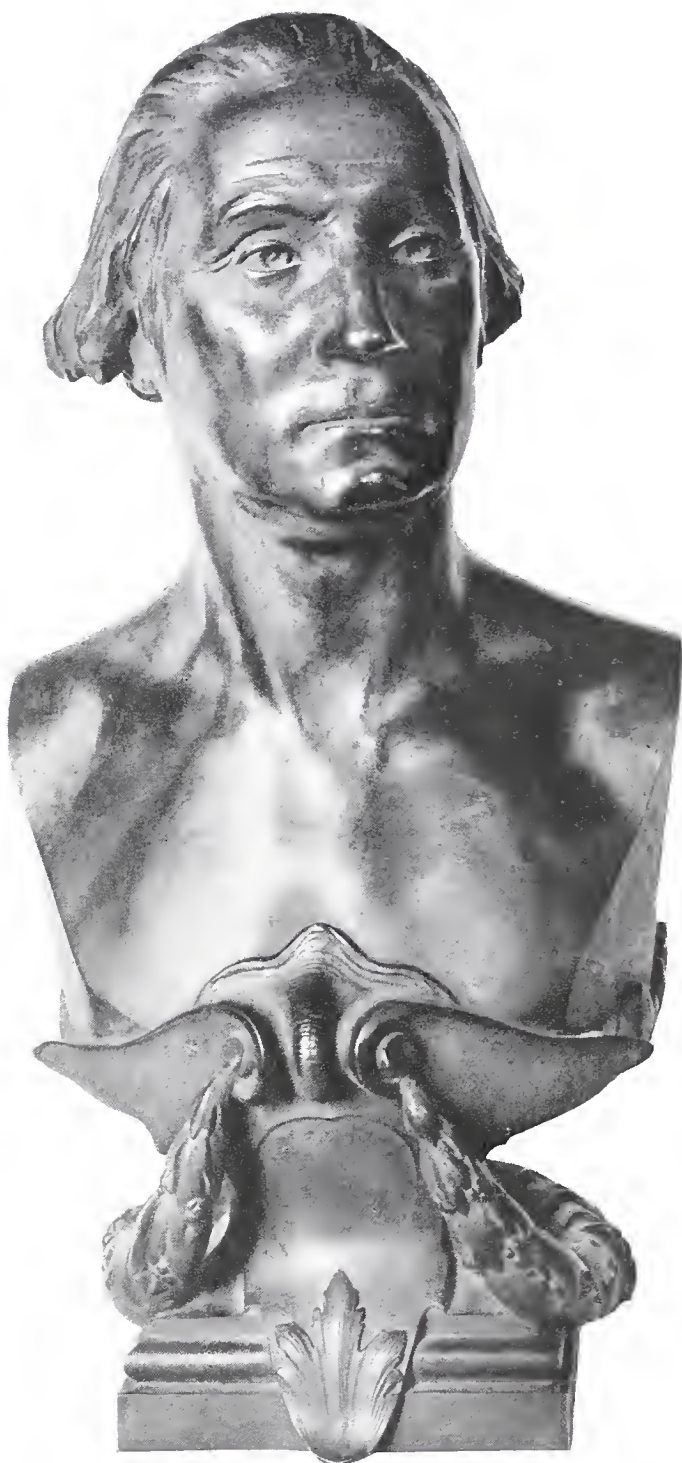




70 BRONZE BUST OF GENERAL WASHINGTON

Life size. This is the first casting ever made directly from the original plaster model, which was made from life by the famous French sculptor, Jean Antoine Houdon, in 1785. The plaster model, which was left by Houdon at Mount Vernon, is valued at \$50,000 and is one of the two busts made in plaster by Houdon who came to America for the purpose of making the statue of Washington (now in the rotunda of the State House at Richmond, Virginia). Houdon is the only sculptor that Washington permitted to make life casts from his face, head, and body. The other plaster bust was carried to France by Houdon where it is now preserved by the French Government. This bronze was cast in New York City by the late Maurice Power in his own foundry and was retained for years in his family. It was bought from Maurice Power's widow.





BRONZE BUST AFTER HOUDON

[Number 70]

71 PORTRAIT OF GENERAL GEORGE WASHINGTON

Painted by Rembrandt Peale, who was born in Bucks County, Pennsylvania, February 22, 1778, and died in Philadelphia, October 3, 1860. Slightly more than life size, bust length, facing about three-quarters to the right. A fresh-complexioned and vigorous, fearless face with benignant eyes—a most human portrayal. Dressed in blue Continental military coat with gold epaulets, buff-colored reverses, white stock and ruffle. Height, 30 inches; width, 25 inches.

IN BEAUTIFUL FRESH CONDITION AND SO FAR AS KNOWN IT HAS NEVER BEEN REPRODUCED.

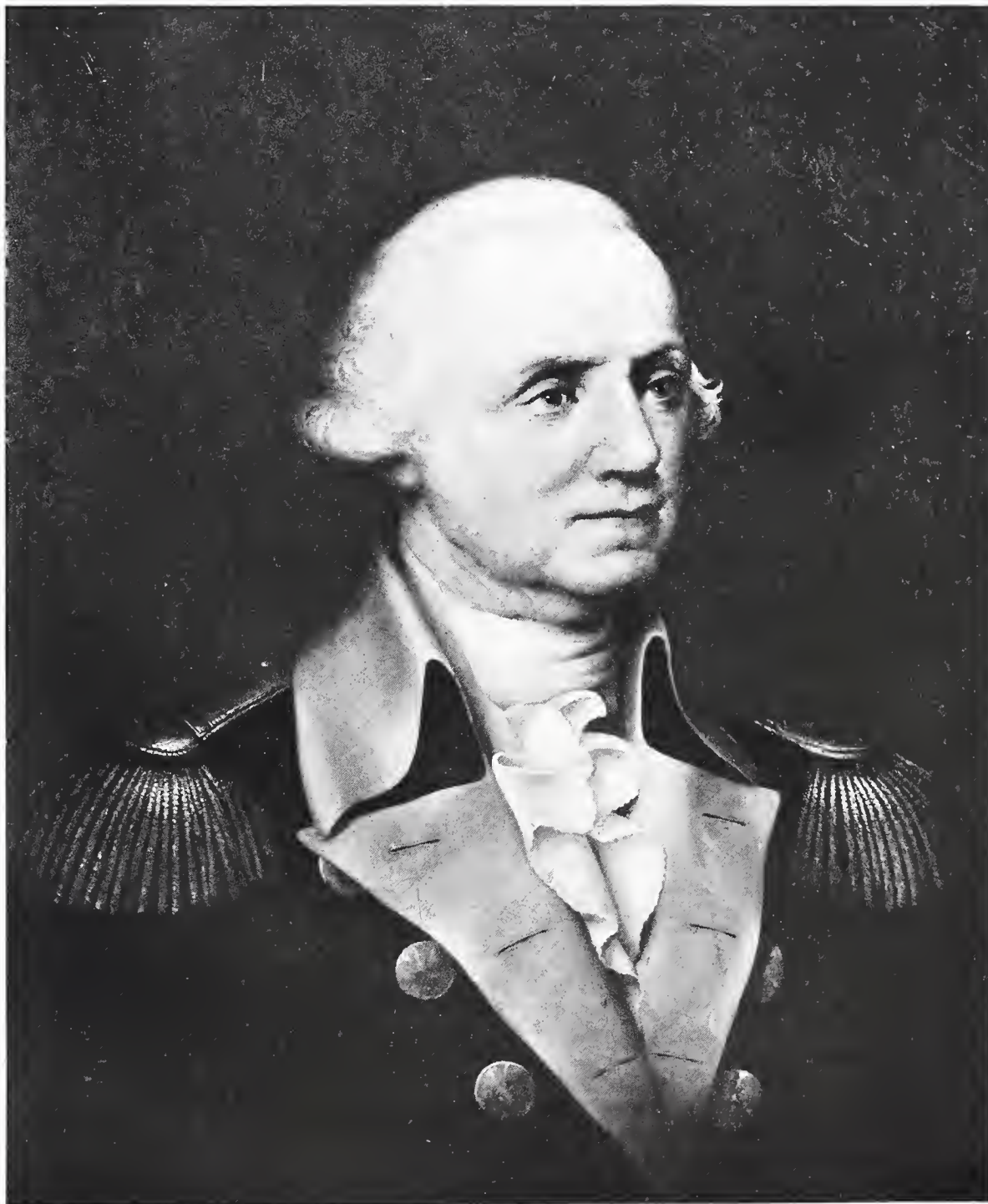
It is well known that Peale painted his first portrait of Washington when he was only seventeen years of age, and at that time obtained three sittings from his great patron.

Mr. Charles Henry Hart has examined this portrait and has submitted the following report to Mr. Washington:

“I have examined the portrait of Washington, three quarters to right, in uniform, on canvas 25 x 30 inches, that you submitted for my opinion. It is painted by Rembrandt Peale and doubtless is one of his trial pictures, painted while he was arriving at his composite portrait of 1823-24. It shows the right side of the face while the composite portrait shows the left side of the face which is the familiar “Rembrandt Peale’s Washington.” It is, as are all of the 1823-24 type, of heroic size, that is, larger than life and is to me a new type, for which reason it is of especial interest. It is painted in Rembrandt Peale’s usual manner and with his high-color palette.

[Signed] CHAS. HENRY HART.”

Other experts who have examined this portrait have, without exception, declared it to be an unusually excellent example of the work of Rembrandt Peale. Mr. Hart’s report accompanies the portrait.



PORTRAIT OF GENERAL WASHINGTON  
PAINTED BY REMBRANDT PEALE

[Number 71]

72 PORTRAIT OF THE MOTHER OF WASHINGTON

Portrait of Mary Ball Washington, painted by Robert Edge Pine. In its original condition. Height, 21½ inches; width, 18 inches.

BY SPECIAL ARRANGEMENT A RESERVE PRICE OF TEN THOUSAND DOLLARS HAS BEEN PLACED ON THIS PORTRAIT. IF AN INITIAL BID OF THAT AMOUNT IS NOT RECEIVED THE PAINTING WILL BE WITHDRAWN. EVERY OTHER ITEM IN MR. WASHINGTON'S COLLECTION WILL BE SOLD WITHOUT RESERVE OR RESTRICTION.

This celebrated portrait has been on public exhibition at the Jumel Mansion, General Washington's Headquarters, in New York City, and in February and March of this year was in the Loan Exhibition of early American portraits at the Brooklyn Museum. It is familiar to the public and is the ONLY KNOWN AUTHENTIC PORTRAIT of Washington's mother.

Mr. Charles Henry Hart, the recognized authority on portraits of the Washington family, made an exhaustive study of this portrait and submitted to Mr. William Lanier Washington a long and elaborate report. He said:

"The authorship of the painting is perfectly clear to me. It is, without the least doubt, the work of Robert Edge Pine, a British painter who, born in Great Britain in 1730, came to this country in 1784 and died at Philadelphia, November 19, 1788. Pine visited Mount Vernon and Washington notes in his Diary on April 28, 1785, Pine's arrival 'in order to take my picture from life.' He remained at Mount Vernon three weeks and when he left carried letters of high commendation from Washington. In addition to the portraits of Washington and Fanny Bassett, Pine painted at Mount Vernon portraits of Mrs. Washington's three grandchildren."

Mr. Hart added that the portrait was not only painted from life but was "an absolutely homogeneous painting, that is, all painted at the same period or virtually at the same time." He also said that it was an extremely good example of Pine's work at his best, being firmly and decisively painted, "and no one can help but see instinctively its general resemblance to the well-known lineaments and distinguishing characteristics of the portraits of the Father of his Country." After a further review of the evidence Mr. Hart closed his report as follows:

"I am pleased to be able to say that from my investigations and researches into the history of this portrait and from my considerable familiarity with portraiture in general and with the portraits of Washington in particular, I am of the opinion that this is a portrait of your ancestress in the sixth generation, Mary Ball, the Mother of Washington."

Mr. Hart's opinion has been endorsed by many distinguished authorities. Lyon G. Tyler, LL.D., president of William and Mary College, wrote to Mr. William Lanier Washington: "The statement of Mr. Charles



Henry Hart is conclusive in my opinion of the authenticity of the Mary Ball portrait. No higher authority could be had."

Mr. Worthington Chauncey Ford, formerly chief of the Division of Manuscripts in the Library of Congress, author of a *Life of Washington*, the editor of the *Writings of Washington*, and now the editor of the *Massachusetts Historical Society* and the President of the American Historical Association, wrote to Mr. Washington with regard to Mr. Hart's report: "I do not think you could get a more judicious, with a nearer approach to certainty. You now have a document which will serve to answer any critic who questions the probability of the portrait. In all this matter of portraiture you cannot do better than to follow Charles Henry Hart."

General Roger A. Pryor, late Justice of the Supreme Court, State of New York, wrote: "After a critical examination of the evidence I am satisfied beyond a doubt that your picture is an authentic portrait of Washington's mother."

Mr. Frank W. Bailey, of the Copley Galleries, Boston, an authority on early American portraits, wrote a detailed review of the recent Loan Exhibition in Brooklyn which was published in the Boston *Evening Transcript* of February 10, 1917, in which he said: "Robert Edge Pine has four portraits credited to him, only one of which, that of Mary Ball Washington, shows him to be a painter of excellence. This portrait is undoubtedly a genuine one, is so fine in technique and color that it is difficult to realize it as coming from his hand."

The authenticity of the portrait has also been approved by Mr. Edward Hagaman Hall, historian and author, of New York City; W. Gordon McCabe, A.M., LL.D., president of the Virginia Historical Society; Mr. William Henry Shelton, curator of Washington Headquarters, New York City; Clarence Winthrop Bowen, LL.D., president of the New York Genealogical and Biographical Society; Mr. Jonce Irwin McGurk, authority on early American portraiture; Mr. Frank Allaben, editor-in-chief of the "Journal of American History," and by all other authorities to whom it has been submitted.

The report of Mr. Hart, autograph letters from the authorities named above, and newspaper articles regarding the history of the portrait, have been handsomely bound in full morocco in a quarto volume which will be delivered to the purchaser of the portrait.

[The Portrait reproduced in colors is the frontispiece of this Catalogue.]



ORIGINAL LETTERS AND DOCUMENTS  
OF GEORGE MASON AND OTHERS ON THE  
FORMATION OF THE CONSTITUTION





## HISTORICAL NOTE

**I**N September, 1786, a meeting was held at Annapolis by Commissioners from New York, New Jersey, Pennsylvania, Delaware, and Virginia to "remedy defects of the Federal Government." Commissioners had been appointed from other States but only those from the States named attended and the net result of the meeting was a recommendation to the States represented to procure the appointment by all the States of Commissioners to meet in Philadelphia in May, 1787, "to devise such provisions as shall appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union."

That suggestion resulted in the Federal Convention at Philadelphia. The date fixed for the meeting was May 2, 1787, but it was May 25 before a sufficient number of States were represented to constitute a quorum, and on the 29th, Governor Edmund Randolph of Virginia presented fifteen resolutions and Charles Cotesworth Pinckney of South Carolina a draft of a Federal government, both of which were referred to the Committee of the Whole. These were debated until the 13th of June, when the committee presented to the Convention nineteen resolutions founded on those which were proposed by Mr. Randolph. Later William Paterson of New Jersey submitted some resolutions that were referred to the Committee of the Whole but on the 19th of June that committee disagreed with the proposals of Mr. Paterson and again reported the nineteen resolutions previously agreed to.

From that time until the 23d of July the Convention debated these nineteen resolutions and on the 24th of July appointed a "Committee of Detail" under a resolution "That the proceedings of the Convention for the establishment of a National Government, except what respects the Supreme Executive, be referred to a committee for the purpose of reporting a Constitution conformably to the proceedings aforesaid."

The Convention then adjourned until August 6th to await the action of the committee. This committee consisted of John Rutledge, Edmund Randolph, Nathaniel Gorham, Oliver Ellsworth, and James Wilson, who were chosen by ballot. On August 6th the Committee of Detail reported a draft of a Constitution which was debated until the 8th of September, when another committee of five was appointed to "revise the style of and arrange the articles agreed to by the house." This was known as the Committee on Style and Arrangement. The members were William S. Johnson, Alexander Hamilton, Gouverneur Morris, James Madison, and Rufus King, and on September 12th it reported the draft of the Constitution as well as a draft of a letter submitting it to Congress, and it was ordered that printed copies be furnished to members and they were delivered the next day. Finally on Saturday, September 15th, the Constitution as amended was "passed in the affirmative—all the States concurring."

The Convention met again on Monday, September 17th, and agreed to one more change, and then after passing resolutions placing its Journals in charge of the President subject to the order of Congress if ever formed under the Constitution adjourned *sine die*.

The Congress of the Confederation was in session in New York when the Federal Convention adjourned and on September 28th it unanimously resolved to refer the proposed Constitution with the "resolutions and letter accompanying the same" to the State legislatures "in order to be submitted to a convention of delegates duly chosen in each State by the people thereof."

The last article of the Constitution provided that "The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same." The dates of these ratifications by the States are as follows:

STATE	DATE	VOTE
Delaware.....	December 7, 1787.....	Unanimously
Pennsylvania.....	December 12, 1787.....	46 to 23
New Jersey.....	December 18, 1787.....	Unanimously
Georgia.....	January 2, 1788.....	Unanimously
Connecticut.....	January 9, 1788.....	128 to 40
Massachusetts.....	February 6, 1788.....	187 to 168
Maryland.....	April 28, 1788.....	63 to 12
South Carolina.....	May 23, 1788.....	149 to 73
New Hampshire.....	June 21, 1788.....	57 to 46
Virginia.....	June 25, 1788.....	89 to 79
New York.....	July 26, 1788.....	30 to 28
North Carolina.....	November 21, 1789.....	193 to 75
Rhode Island.....	May 29, 1790.....	34 to 32

It will be seen that only three State Conventions voted unanimously for the adoption of the proposed Constitution. Many of the most patriotic men in America believed it to be faulty in several particulars and held that until it was amended it should not be adopted. And in consequence the struggle brought out pamphlets and newspaper articles by the score. Among those opposed were such men as Richard Henry Lee, Elbridge Gerry, Luther Martin, George Clinton, James Wadsworth, Patrick Henry, and George Mason. In fact, Washington was the only member of the Virginia delegation to the Federal Convention who signed the new Constitution. Edmund Randolph, the Governor of the State, was led to vote for its adoption only because eight States had already adopted it, and, as he explained, the main question was "Union or no Union." His speech on recording his vote for ratification contained the expression, "But although for every other act of my life I shall seek refuge in the mercy of God, for this I request His justice only."

The principal objections to the Constitution were finally overcome by the first ten amendments which were declared in force December 15, 1791.

## THE MASON PAPERS

ORIGINAL DOCUMENTS, AUTOGRAPH LETTERS, AND PRINTED DRAFTS OF THE CONSTITUTION OF THE UNITED STATES, 1787, PRESERVED BY GEORGE MASON OF VIRGINIA, A MEMBER OF THE CONVENTION, IN THE HANDWRITING OF GEORGE MASON, EDMUND RANDOLPH, RICHARD HENRY LEE, AND EDWARD RUTLEDGE.

The following is a list of these very valuable and important papers regarding the formation of the Constitution:

- AUTOGRAPH DOCUMENT, 2 pp. Draft of a speech by George Mason.
- AUTOGRAPH DOCUMENT, 3½ pp. Draft of a Speech by George Mason.
- AUTOGRAPH DOCUMENT, 2 pp. Proposed Amendments to the Constitution by George Mason.
- AUTOGRAPH DOCUMENT, 1¼ pp. Article III, with corrections by George Mason.
- AUTOGRAPH DOCUMENT, 9 pp. Edmund Randolph's Draft of a Constitution.
- FIRST SECRETLY PRINTED DRAFT OF A CONSTITUTION.
- SECOND SECRETLY PRINTED DRAFT OF A CONSTITUTION.
- AUTOGRAPH DOCUMENT, 1¾ pp. Amendments to the Constitution by Richard Henry Lee.
- AUTOGRAPH DOCUMENT, 5 pp. Amendments to the Constitution by George Mason.
- AUTOGRAPH DOCUMENT, 2 pp. Regarding the Virginia Convention by George Mason.
- AUTOGRAPH LETTER SIGNED by Richard Henry Lee, 4 pp. Regarding the powers granted to the Executive and Congress.
- AUTOGRAPH LETTER SIGNED by Richard Henry Lee, 4 pp. Regarding peculations among public officers.
- AUTOGRAPH LETTER SIGNED by George Mason, 5½ pp. Regarding Virginia's Western Lands.
- BIOGRAPHICAL SKETCH of George Mason by Judge Bland.

George Mason (1725-1792) was one of the greatest statesmen of Virginia. James Madison said he was the ablest debater he had ever known and Thomas Jefferson described him as "a man of the first order of wisdom, of expansive mind, profound judgment, cogent in argument, learned in the lore of our former constitution, and earnest for the republican change on democratic principles." In 1769 Mason drew up the non-importation resolutions which were presented by Washington in the Virginia Assembly and unanimously adopted. In 1774 he proposed twenty-four resolutions reviewing the controversy between Great Britain and the Colonies, recommending a Congress, and urging non-intercourse with the mother-country. In 1776 he drafted the Declaration of Rights and the Constitution of Virginia which were unanimously adopted. He repeatedly declined the highest public offices, but did consent to serve in the Convention to frame a Constitution for the United States. He took an active part in its debates and was distinguished for his liberal principles. In the discussion whether the House of Representatives should be chosen directly by the people, he maintained that no republican government could stand without popular confidence, and that confidence could only be secured by giving the people the selection of

one branch of the legislature. He also favored the election of the President by the people and for a term of seven years with ineligibility afterward. In some attempts to render the Constitution more democratic Mason was defeated in the Convention, as these Letters and Documents show, and when the instrument was completed he declined to sign it. He was especially dissatisfied with the extended and indefinite powers that were conferred on Congress and the President, and on his return to Virginia he was chosen a member of the Convention to which the Constitution was referred for ratification or rejection, and there, with Patrick Henry and others, he continued his opposition, insisting on certain amendments, which are also set forth in these papers. Among the amendments which he proposed was a Bill of Rights and about twenty alterations in the body of the measure, and several of these were afterwards adopted.

The Documents, Letters, and Drafts here offered show Mason's position and that of several of his associates throughout the great contest for the establishment of a strong and effective government. The proceedings of the Federal Convention were secret and at its dissolution all the official papers except the Journals were burned and many of the members destroyed their notes. Two drafts of the Constitution were printed secretly during the debates for the confidential use of the members, very few of which have survived. Both drafts are, however, in this Collection, and their interest and importance are greatly enhanced by the manuscript notes in the handwriting of Mason. The Constitution as printed the third time by order of the Convention was in the final form as ultimately adopted.

The Letters of Richard Henry Lee in which he opposed the adoption of the Constitution are exceedingly interesting, particularly the letter in which he predicts a Civil War as an inevitable result of the proposed form of government. The letter of Mason regarding Virginia's Western Lands is also of great historical importance.

The Documents, Letters, and Drafts naturally belong together, for they were preserved by the same man and relate to the same subject. For this reason THEY WILL BE OFFERED AS ONE LOT AT AN UPSET PRICE OF TEN THOUSAND DOLLARS. If this bid is not received the Documents, Letters, and Drafts (Numbers 73 to 86) will be sold separately without reserve as catalogued.



## ORIGINAL LETTERS AND DOCUMENTS

### ON THE FORMATION OF THE CONSTITUTION PRESERVED BY GEORGE MASON OF VIRGINIA A MEMBER OF THE FEDERAL CONVENTION

NOTE—The following Documents, Letters, and Drafts (Numbers 73 to 86) are offered as one Lot at an upset price of Ten Thousand Dollars. If this bid is not received they will be sold separately without reserve as catalogued.

- 73 MASON (GEORGE). Autograph Document, 2 pp., small 4to, written during the sitting of the Federal Convention, probably May, 1787. Preserved under silk gauze.

On one side of the sheet, he has written "*G. Mason begs the favour of Majr. Jackson [the Convention's secretary] to correct the following Resolution, in the manner it hath been agreed to by the Convention.*" Then follows the resolution upon the manner of election of the "*second branch of the Legislature of the United States,*" with the desired change made in Major Jackson's hand from "triennially" to "biennially." This resolution was discussed in the Convention at the sitting on May 31st. This side of the sheet has been crossed out in ink, but not in a manner to interfere with its legibility.

The reverse side contains a draft of his speech upon the manner of electing the two branches of the legislature, which was discussed at the same time as above. He makes a clear distinction between the "Circumstances, Situation, Character, & Genius" of the American and other Peoples, and continues, "*Conclusions have been drawn that the People of these United States would refuse to adopt a Government founded more on an equal representation of the People themselves, than on the distinct representation of each separate individual State.—If the different States in our Union always had been as now run substantially & in reality distinct sovereign nations, this kind of reasoning would have great Force; but if the premises on which it is founded are mere assumptions . . . no satisfactory conclusions can be drawn from them.*"

- 74 MASON (GEORGE). Autograph Document, 3½ pp., small 4to, closely written; preserved under silk gauze. Contains draft of his Speech before the Federal Convention, advocating three persons instead of one as Supreme Executive of the United States. [June, 1787.]

This speech contains more material and is more firmly expressed than that mentioned in the Madison Papers as being delivered to the Convention on June 4th. He argues that his council of three would provide for sickness or disability in the executive, would greatly strengthen the "Council of Revision," and that the tendency to vest strong and extensive powers in the executive would, were that executive only one person, result in the republican form of government degenerating into a monarchy. He considers that the virtues he admits centralized power to possess are fully compensated for in a democracy by "*the attachment of the Citizens to their Laws, to their Freedom, & to their Country.—Every husbandman will be quickly converted to a soldier, when he knows & feels that he is to fight not in defence of the rights of a particular Family, or a Prince, but for his own . . . and who that reflects seriously upon the situation of America, in the beginning of the late war—without Arms—without Soldiers—without Trade, Money, or Credit—in a manner destitute of all Resources, but must ascribe our Success to this pervading all-powerful Principle.*" He concludes, "*If the executive is vested in three Persons, one chosen from the Northern, one from the Middle & one from the Southern States, will it not contribute to quiet the minds of the people . . . & consequently [be] the best Security for the Stability & Duration of our Government upon the invaluable principles of Liberty.*"

This interesting proposal was finally defeated in the Convention by a vote of 7 States against 3, but the support it received indicates the very strong fear felt throughout the country that the granting of large powers to one individual might tend to establish a monarchical system in the young Republic.

- 75 MASON (GEORGE). Autograph Manuscript, 2 pp., folio, containing Amendments to be proposed to the Federal Constitution during the sitting of the Convention, 1787. Preserved under silk gauze.

Contains a list of eighteen amendments and suggestions, with the results of voting marked against some, viz.: "Disagreed," "Refused," "Agreed to"; others have nothing marked, presumably those the object of which had been secured by other amendments.

The fourth proposal on this list, respecting the provision of State militia, reads: "*That the Liberties of the People may be better secured against the danger of regular Troops or Standing Armys in time of Peace.*"

The eleventh, which was carried and embodied in the Constitution, limits the appointing power of the President as follows: "*but the Congress may by Law vest the appointment of such inferior officers as they may think proper in the President alone, in the Courts of Law, or the Heads of Departments.*"

The fifteenth, relating to Treason, objects because "*no Exception or Provision [is made] for the wife—who may be innocent, & ought not to be involv'd in Ruin from the Guilt of the Husband.*" This was rejected by the Convention and the clause remained "*during the life of the person attainted.*"

Regarding the Fifth Article of the Constitution he says: "*By this Article Congress only have the power of proposing Amendments at any future time to this Constitution, & shou'd it prove ever so oppressive, the whole people of America can't make, or even propose, Alterations to it; a doctrine utterly subversive [subversive] of the fundamental principles of the Rights and Liberties of the People.*"

Other proposals relate to the office of Vice President, the Journal of the Senate, navigation acts, taxes and duties on trade between States, etc.

- 76 MASON (GEORGE). Autograph Document, presumably by a Member of the Constitutional Convention, with interesting corrections and additions in George Mason's autograph. 1¼ pp., 4to. [1787.] Preserved under silk gauze.

Kate Mason Rowland, in her life of George Mason, calls this a chip from the convention in an unknown hand, and reprints it entire in the appendix. The document is of considerable interest, as it is in substance the same as the parts of Article III of the completed Constitution, relating to the Judiciary, the difference in the drafts being largely in form.

There are several interlineations in Mason's hand, and a large paragraph moving that Judges hold their offices during good behaviour is crossed out, presumably by Mason, as such motions were sure to meet his strongest opposition.

## RANDOLPH'S DRAFT

- 77 RANDOLPH (EDMUND). Autograph Document. Draft of his Propositions for the Constitution offered in the Committee of Detail of the Convention, with amendments by Edward Rutledge. 9 pp., folio, preserved under silk gauze. 5 pieces.

Edmund Randolph, Governor of the State and leader of the Virginia delegation to the Federal Convention, introduced the general plan (the first offered) of a Constitution. He also drafted a detailed proposition of his own, which was discovered in 1887 among the papers of George Mason. THE DOCUMENT DESCRIBED ABOVE is that draft, which was used as a basis of discussion by the Committee of Detail on which he served. At the close of the Convention of 1787, its secretary, William Jackson, made a holocaust of the papers on his table and many documents of historic value were destroyed. Fortunately a few of the members realized what momentous history was made in those months, and rescued papers to which they could make personal claim. Among these was George Mason, who retained this most important document by Randolph, with the others here described.

It is really a preliminary plan for a Constitution—one of detail as well as general principles. Numerous erasures and interpolations occur, many in the hand of Edward Rutledge, some of which suggest consultation with other leaders. As each item was disposed of it was ticked off. The title "House of Delegates" is one of several indications that its author began on the basis of the Virginia Constitution (the first republican Constitution ever written), which he helped to frame in his twenty-third year.

Some of the items and clauses scored out and rejected exhibit the variety of ideas and opinions in the Committee as to the requirements, provisions, and restrictions thought necessary for the safe conduct of the Union. The confused look of the MS. in places bears evidence of the opposition each new proposal was subjected to before it was considered safe. One of the provisions scored out as rejected concerned the qualifications of citizenship which were sanity of mind, residence for one year, possession of real property within the State, or enrolment in the militia for one year. Another original proposition was the arrangement for the payment of Senators, which required a jury of merchants and farmers to declare what was the average value of wheat during the past six years in the State where the Legislature was sitting, and for the six subsequent years the Senators were to receive per diem the average value of a certain number of bushels of wheat. The Executive power, according to this plan, was to be vested in a single person, elected by the Legislature by ballot.



In the draught of a fundamental constitution, two things deserve attention:

1. To insert essential principles only; lest the operations of government should be clogged by rendering those provisions permanent and unalterable, which ought to be accommodated to times and events; and
2. To use simple and precise language, and general propositions, according to the example of the ~~some~~ constitutions of the several states. ~~In the construction of a constitution of principle differs from that of law~~

1. A preamble seems proper. Not for the purpose of designating the ends of government and human politics — This ~~being~~ <sup>being</sup> of itself too ~~far~~ <sup>far</sup> ~~from~~ <sup>from</sup> ~~being~~ <sup>being</sup> ~~an~~ <sup>an</sup> ~~adequate~~ <sup>adequate</sup> ~~display~~ <sup>display</sup> of theory, howsoever proper, for the first formation of state governments, ~~is~~ <sup>is</sup> ~~unfit~~ <sup>unfit</sup> here; since we are not working on the natural rights, ~~not~~ <sup>not</sup> ~~yet~~ <sup>yet</sup> ~~gathered~~ <sup>gathered</sup> ~~into~~ <sup>into</sup> ~~society~~ <sup>society</sup>, but upon those rights, modified by society, and ~~supporting~~ <sup>interwoven with</sup> what we call ~~states~~ <sup>the rights</sup> of states. Nor yet is it proper for the purpose of mutually pledging the faith of the parties for the observance of the articles. This may be done more solemnly at the close of the draught, as in the confederation. But the object of our preamble ought to be briefly to ~~represent~~ <sup>represent</sup> declare, that the present federal government is insufficient to the general happiness; that the conviction of this fact gave birth to this convention; and that the only effectual ~~mode~~ <sup>mode</sup> which they ~~can~~ <sup>can</sup> devise, for curing this insufficiency, is the establishment of supreme legislative, executive and judiciary — ~~In this manner we may say:~~ <sup>Let it be next declared, that the following are the</sup> ~~Let it be next declared, that the following are the~~ <sup>constitution and fundamentals of government for the United</sup> states — After this introduction, let us proceed to the

2 First resolution — This resolution involves three particulars:

1. the style of the United States; which may continue as it now is.
2. a declaration, that the supreme legislative, executive and judiciary shall be established; and
3. a declaration, that these departments shall be distinct, ~~separate~~ <sup>separate</sup> and independent of each other, except in specified cases.

He was to hold office for seven years and be ineligible thereafter. An amendment by Rutledge at this point suggested the title of "*Governor of the United People and States of America.*" The document is rich in ideas which served as a basis for the construction of the Constitution of the United States.

The last page is an outline or draft of "*An address to satisfy the people of the propriety of the proposed reform.*" This is entirely in Randolph's hand. It was evidently his plan, when the Constitution was to be submitted to the people, to address the country at large, through a communication explaining the principles of the proposed Constitution and advocating its adoption as the best substitute for the unsatisfactory Articles of Confederation which were then very weakly holding the Union together.

## FIRST PRINTED DRAFT

- 78 FIRST PRINTED DRAFT OF THE CONSTITUTION OF THE UNITED STATES. Five printed proof sheets of the Constitution, with Manuscript Notes, Amendments, and Interlineations in the autograph of George Mason. Pp. 3 to 7 (1 and 2 missing), 5 pp. folio (edges slightly frayed, and a small hole in 4 sheets from a former fold affecting two or three words, all mounted).

In James Madison's "Journal of the Constitutional Convention," this appears as the FIRST DRAFT ORDERED TO BE PRINTED. It is the result of the deliberations of that body from May 25 to Aug. 6, 1787. The form is that reported by the Committee of Detail (or Committee of Five) consisting of Rutledge, Randolph, Wilson, Ellsworth, and Gorham. It comprises twenty-three Articles, whereas the final form is condensed into seven. Unfortunately the present copy lacks the first two sheets, which contain Articles 1 to 5 and the first nine sections of Article 6. Each member received a copy and the separate articles were taken up for debate in detail. As they were agreed to, rejected, or modified, notes to that effect were made on this copy by George Mason.

One of the interesting points about this draft is the plan of the Executive as compared with that finally adopted. The Executive power was to be vested in a single person, elected by the Legislature, and holding his office for seven years, and ineligible for election a second time. The marginal notes appear to be both personal objections on Mason's part and amendments as the result of debate. The clauses and sections which were later embodied in the second draft are here indicated as "*agreed.*"

The clause relating to Legislative power to subdue rebellion in any State was rejected and left to be reconsidered. The section providing for the settlement of disputes between States was disagreed to for obvious reasons, as being too involved. Mason's influence can be seen in Article XXI, which specifies what shall constitute ratification. His jealousy for State rights is here displayed in the MS. amendment at the end of the clause: "*The ratification of nine States shall be sufficient for organizing the Constitution between such States.*" This is marked "agreed."

THIS IS THE FIRST DRAFT OF THE PROPOSED CONSTITUTION ORDERED TO BE PRINTED BY THE FEDERAL CONVENTION. It was secretly struck off for the members as a basis for the continuation of the discussion. Both this and the later drafts are of the greatest rarity, the number printed being probably not over sixty copies. Nearly all copies were destroyed. Ford, in his Bibliography of the Constitution, locates only four copies, two in the archives of the Department of State, and one each in the Library of Congress and the Massachusetts Historical Society. This Draft was printed by Dunlap of Philadelphia.

## SECOND PRINTED DRAFT

- 79 FOUR PRINTED PROOF SHEETS OF THE PROPOSED CONSTITUTION OF THE UNITED STATES, with Manuscript Objections, Amendments, and Interlineations in the autograph of George Mason. 4 pp., folio, printed, with 2 pp. folio of manuscript matter on the reverse of two of the printed leaves. Two preserved under silk gauze and two mounted (and very slightly damaged in former fold, making illegible one or two words).

On August 6, 1787, the Committee of Detail reported a draft of a Constitution. This draft, drawn up principally from the first set of resolutions submitted by Edmund Randolph, was debated until September 8th, during which period many other resolutions were introduced, some adopted and others rejected. On September 12th another revision of style and rearrangement of articles was made, when it was ordered that printed copies be furnished the members. On the next day they were distributed. The present is Mason's copy of that draft, THE SECOND PRINTED FORM OF THE PROPOSED CONSTITUTION OF THE UNITED STATES. No doubt this was printed by Dunlap, as the first certainly was.

Many of the amendments, corrections, and interlineations on this draft in Mason's autograph were embodied in the final version as submitted for



ratification to the State Conventions. They were the subjects of long and earnest discussion among the delegates, and represent decisions of the greatest importance.

Following are some of the most important and interesting of the manuscript corrections and interlineations which are found embodied in the present Constitution. Where they were adopted in their entirety the whole paragraph is quoted, and ALL WORDS IN MASON'S HANDWRITING ARE HERE QUOTED IN ITALICS.

In Article I, Sect. 2, third paragraph, the word "servitude" has been changed to read "*service*." This paragraph also reads: "The number of representatives shall not exceed one for every forty thousand." In the final version the words "forty thousand" were changed to "thirty thousand." In the sixth paragraph of Sect. 3, same Article, the words "*or affirmation*" are inserted after "When sitting for that purpose they shall be on oath." Sect. 4, first paragraph: "The times, places and manner of holding elections for senators and representatives, shall be prescribed in each State by the legislature thereof: but the Congress may at any time by law make or alter such regulations *except as to place of chusing Senators*." Sect. 7, fourth paragraph, makes it necessary for a bill to be repassed by "*two-thirds*" of both the Senate and the House after a veto by the President; the original reading is "three-fourths." Sect. 8, second paragraph, MS. amendment reads: "*but all duties, imposts & excises shall be uniform throughout the United States*." Sect. 9, fourth paragraph has been amended to read: "No capitation *or other direct* tax shall be laid, unless in proportion to the census *or Enumeration* herein before directed to be taken. *No preference shall be given by any regulation of Commerce or Revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear or pay Duties, in another.*" Sixth paragraph, same section: "No money shall be drawn from the treasury, but in consequence of appropriations made by law; *and a regular Statement & Acct. of the Rects. & expenditure of all public money shall be published from time to time.*" The first paragraph of Sect. 10 has been entirely deleted and the following MS. amendment made: "*Sect. 10. No State shall enter into any Treaty, Alliance or Confederation, grant letters of marque & reprisal, coin money, emit Bills of Credit, make anything but Gold or Silver coin a Tender in payment of debts, pass any Bill of Attainder, ex post facto Law, or Law impairing the obligations of Contracts, or grant any Title of Nobility.*" Sect. 10, second paragraph, amended to read: "*No State shall without the consent of Congress lay any Imposts or Duties on Exports or Imports, except what may be absolutely necessary for executing its Inspection Laws & the nett produce of all such Duties and Imposts laid by any State, shall be for the use*



*provided that no state shall be exempted from imposing the actual duties on produce exported from such state, for the sole purpose of paying the charges of inspecting produce and indemnifying the losses on such produce while in the custody of public officers, but the such regulations shall, in case of dispute, be subject to the revision & control of Congress.*

*No state shall, without the consent of Congress, keep troops or ships of war in time of peace, nor enter into any agreement or compact with another state, nor with any foreign power. Nor engage in any war, unless actually invaded, or in such cases as not admit of delay.*

*No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, nor enter into any agreement or compact with another state, nor with any foreign power. Nor engage in any war, unless actually invaded, or in such cases as not admit of delay.*

*and such charges shall be subject to the adjustment of Congress.*

Sec. 1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected ~~in the following manner, as follows~~

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in Congress: but no senator or representative shall be appointed elector, nor any person holding an office of trust or profit under the United States. *shall be appointed elector.*

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government, directed to the president of the senate. The president of the senate shall in the presence of the senate and house of representatives open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the president. But in choosing the president, the votes shall be taken by states and not per capita, the representation from each state having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president by the ~~provision~~, the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot the vice-president.

The Congress may determine the time of choosing the electors, and the ~~time~~ <sup>Dagon</sup> which they shall give their votes; ~~but the time shall be the same throughout the United States.~~

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability is removed, or ~~until the president is removed~~ <sup>until the president is removed</sup>.

The president shall, at stated times, receive ~~a compensation~~ <sup>compensation</sup> for his services, which shall neither be increased nor diminished during the period for which he shall have been elected, ~~and he shall not receive any other emolument~~ <sup>and he shall not receive any other emolument</sup>.

Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ~~judgment and power~~ <sup>power</sup>, preserve, protect and defend the constitution of the United States."

*an amendment of power to exempt his power of pardon in the case of treason & resist in the legislative respect.*

Sec. 2. The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, ~~when called into the actual service of the United States~~, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not hereinafter provided for.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

Sec. 3. He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient: he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper: he shall receive ambassadors and other public ministers: he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Sec. 4. The president, vice-president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

III.

Sec. 1. The judicial power of the United States, both in law and equity, shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Sec. 2. The judicial power shall extend to all cases, ~~both~~ <sup>arising</sup> in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their

*of the Treasury of the United States and all such Laws shall be subject to the Countroll of Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in any war, unless actually invaded or in such danger as will not admit of delay."*

In Article II, Sect. 1, the seventh clause amended to: "The President shall at stated times receive for his services, a *Compensation* which shall neither be encreased nor diminished during the period for which he shall have been elected *and he shall not receive within that period any other Emolument from the United States or either of them.*" A marginal note referring to Sect. 2, which relates to the President's power of pardoning, says: "*an amendment offered to except his power of pardon in the case of Treason & vest it in the Legislature, rejected.*"

Article V, amended to read: "The Congress, whenever two [thirds of both houses shall deem necessary or on the application] of two-thirds of the legislatures of the several States, shall propose amendments to this Constitution, which shall be valid to all intents and purposes, as part thereof, when the same shall have been ratified by the legislatures of *at least 3/4ths* of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, that no amendment, which may be made prior to the year 1808 shall in any manner affect the *1st & 4th clauses in the 9th section of the 1st Article, and that no State without its consent—*"

There are numerous other minor changes in construction, of importance as a whole, but irrelevant to the object here set forth, which is to detail the manuscript amendments, as determined by debate, and which appear as positive articles or clauses of the finally ratified Constitution.

At the final meeting of the Convention for the signing of the Constitution, three delegates, George Mason, Edmund Randolph, and Elbridge Gerry, declined giving it the sanction of their names. On the back of two of the sheets of this draft is a formal statement of Mason's objections, drawn up in his autograph and entitled "*Objections to this Constitution of Government.*" Briefly summarized, it would seem that he greatly feared a too strong central government and regarded the powers of Congress as detrimental to State rights. He construes the representation in the House to be a mere shadow and not the substance of representation of the people, and fears the laws directly affecting the masses were to be made by men not directly concerned and not acquainted with their effects and consequences. He looks upon the Senate as a non-representative body and ob-

jects to their authority to originate appropriations, alter money bills, and regulate the salaries of officers appointed by the Executive with the Senate's concurrence. The Federal Judiciary plan is disapproved, as he sees in it a menace to the State courts. The Vice President he regards as an unnecessary officer, who, he says, "*for want of other employment is made president of the Senate; thereby dangerously blending the executive & legislative powers; besides always giving to some one of the States unnecessary & unjust pre-eminence over the others.*" The President's power of pardon is another cause for alarm, which power, he says, "*may be sometimes exercised to screen from punishment those whom he had secretly instigated to commit the crime, & thereby prevent a Discovery of his own Guilt.*" Next he points out the opposite interest of the five Southern to the eight Northern States, and claims that commercial regulations could be forced through the Senate by these Northern States to the great injury and impoverishment of the Southern States. In closing he says: "*This Government will set out a moderate Aristocracy; it is at present impossible to foresee whether it will, in its operation, produce a Monarchy, or a corrupt tyrannical Aristocracy; it will most probably vibrate some years between the two, and then terminate in the one or the other.*"

THE IMPORTANCE AND VALUE OF THIS DOCUMENT ARE INCREASED BY THE FACT THAT NEARLY ALL SUCH PAPERS WERE DESTROYED. FORD SUCCEEDED IN LOCATING ONLY THREE COPIES IN PUBLIC INSTITUTIONS—THE DEPARTMENT OF STATE, THE LIBRARY OF CONGRESS, AND THE MASSACHUSETTS HISTORICAL SOCIETY, AND ONLY ONE OTHER COPY IS KNOWN TO BE IN PRIVATE HANDS, AND THAT IS NOT AVAILABLE FOR PUBLIC SALE.

IT WOULD BE DIFFICULT TO IMAGINE A MORE INTERESTING ITEM OF AMERICANA THAN THIS, SHOWING AS IT DOES THE GRADUAL AND CAREFUL CONSTRUCTION OF THE CONSTITUTION OF OUR REPUBLIC.



## LEE AND MASON LETTERS AND DOCUMENTS

- 80 LEE (RICHARD HENRY). Autograph Document, 13¼ pp., large folio, preserved under silk gauze; and mounted wrapper with full address, also in Lee's hand, to "George Mason, Esquire, of Gunston Hall, in Fairfax County, Richmond, Virginia," franked and dated "Richd. H. Lee, 1787 [Alexandria, Nov. 2]." 2 pieces.

This document contains many suggestions which Mason embodied in his Declaration of Rights as amendments to the Federal Constitution when it was presented to Virginia for ratification. Among them are: Liberty of Conscience, Freedom of the Press, Trial by Jury in Vicinage of Accused, Right of Popular Assembly and Petition, Opposition to Standing Armies and Excessive Bail, etc. Virginia's Declaration of Rights was the first to be drafted and adopted in America, and the first anywhere in which the majesty of the individual, without qualification, is asserted. Many of the "Rights" were eventually accepted by Congress and the States as amendments to the Federal Constitution.

Lee was one of the most earnest opponents of the adoption of the Federal Constitution; his fear that a consolidated national power would ultimately destroy the State governments, and his firm individualist outlook are clearly shown in the opening sentences of his present document. "*It having been found from universal experience that the most express declarations and reservations are necessary to protect the just rights and liberty of Mankind from the silent, powerful, and ever active conspiracy of those who govern . . . [and] such precautions are proper to restrain and regulate the exercise of the great powers necessarily given to Rulers.*"

- 81 MASON (GEORGE). Autograph Document, 5 pp., small 4to, headed "Amendments Proposed to the new Constitution of Government"; and another draft of the second part of the same, viz., the Amendments added to the Declaration of Rights, 4 pp., small 4to. All preserved under silk gauze. [1787-88.]

These documents include all of the amendments to the Federal Constitution submitted to Congress by Virginia. They embrace a "Declaration of Rights" and a list of thirteen amendments, as described below.

They are in two portions, both commencing: "*That there be a Declaration or Bill of Rights, asserting, and securing from Encroachment the essential and unalienable Rights of the People, in some such Manner as the following.*" In the first portion the Bill of Rights immediately follows, each paragraph numbered 1 to 20, with numbers interchanged. The sense of



That there shall be a Declaration of Rights, asserting and securing from Encroachment the essential and unalienable Rights of the People, in some such Manner as the following. — Here the Declaration of Rights to be inserted. —

And that there be also the following Amendments to the Constitution

That each State in the Union shall retain its Sovereignty, Freedom and Independence, and every Power Jurisdiction and Right, which is not by this Constitution expressly delegated to the Congress of the United States. —

That there shall be one Representative <sup>for</sup> every thirty thousand Persons, according to the Enumeration or Census mentioned in the Constitution, until the whole Number of the Representatives amounts to two hundred. —

That Congress shall not exercise the Powers, respecting the Regulation of Elections, vested in them by the fourth Section of the first Article of the Constitution, but in cases when a State neglects or refuses to make the Regulations therein mentioned, or shall make Regulations subversive of the Rights of the People to a free and equal Representation in Congress agreeable to the Constitution, or shall be prevented from making Elections by Invasion or Rebellion; and in any of these Cases, such Powers shall be exercised by Congress only until the Cause be removed. <sup>american States</sup>

That Congress do not lay direct Taxes, <sup>nor excise upon any articles of the growth or manufacture from the growth of any of the</sup> but when the Monies arising from the ~~Import~~ <sup>Import</sup> Duties on Imports are insufficient for the public exigencies, nor then, until Congress shall have first made a Requisition upon the States, to assess, levy, and pay their respective Proportions of such Requisitions, according to the Enumeration or Census fixed in the Constitution, in such Way and Manner as the Legislature of the State shall judge best; and in such Case if any State shall neglect or refuse to pay its Proportion, pursuant to such Requisition, then Congress may assess and levy such State's Proportion, together with Interest thereon, at the Rate of six Cents per Annum, from the time of Payment prescribed in such Requisition. —

That the Members of the Senate and House of Representatives shall be ineligible to, and incapable of holding any Office under the Authority of the United States, during the time for which they shall respectively be elected. —

+ That there shall be a constitutional responsible Council, to assist in the ~~administration~~ <sup>administration</sup>

## MASON'S DECLARATION OF RIGHTS

[Number 81]

the various sections of this Bill of Rights is largely that of the original Declaration of Rights of Virginia, drawn up by Mason in 1776, though the form in some cases differs slightly and the sixteen clauses of the Declaration are here extended to twenty. Sections 1, 2, 4, 5, 7, 11, 13, 16, 17, and 20 of the present "Bill" are substantially the same as Sections 1, 2, 4, 5, 7, 10, 9, 11, 12, and 14, of the "Declaration."

Section 3 here contains the addition of "*and that the doctrine of non-resist[ance] against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind*"; Section 6 is preceded by the assertion, "*That the Right of the People to participate in the Legislature is the best Security of Liberty, and the foundation of all free Government*"; Section 8 excepts "*time of actual War, Invasion, or Rebellion*"; Section 9 is embodied in 8 of the Declaration; Section 14 limits and disapproves of the granting of search warrants; Section 16 adds the Right to Freedom of Speech; Section 15 asserts the Right of Public Assembly and of Petition; Section 17 adds "*That the People have a Right to bear arms*"; Section 18 is "*That no Soldier in time of Peace ought to be quartered in any House without the Consent of the Owner, and in time of war only by the Civil Magistrate in such manner as the laws direct*"; and Section 19, "*That any person religiously scrupulous of bearing arms ought to be exempted, upon payment of an Equivalent, to employ another to bear Arms in his Stead.*"

The second portion begins: "*And that there be also the following Amendments to the Constitution.*" Immediately following are the thirteen amendments, the first: "*That each State in the Union shall retain its Sovereignty, Freedom and Independence, and every power, jurisdiction and right, which is not by this Constitution expressly delegated to the Congress of the United States.*" Others relate to Representatives; the powers of Congress in elections, and in taxation and excise; impeachment; the restriction of Representatives, Senators, and Judges from holding any other office during their terms of service, etc. The sixth amendment proposes "*That there shall be a constitutional responsible Council, to assist in the administration of Government, with the power of choosing out of their own Body a President, who in case of Death, Resignation or Disability of the President of the United States, shall act, pro tempore, as Vice-President, instead of a Vice-President elected in the manner prescribed by the Constitution,*" etc. Amendments 7 to 11 forbid Navigation Laws without the consent of two-thirds of both Houses, Standing Armies in times of Peace, and the President from commanding the Army or Navy in person without a like majority, the enlistment of soldiers for over four years, and a mutiny act for a longer period than two years.

The document throughout is in the autograph of George Mason. He

was one of Virginia's delegates to the Federal Convention, and one of the three who refused to sign the Constitution. Mason was again chosen a member of the State Convention to ratify or reject the Constitution on its presentation to Virginia. He led his State's opposition to its ratification and so determined did that become that many of those who saw how indispensable a strong Federal power was, despaired of the adoption of the only instrument that provided it. It was with the greatest satisfaction to all its friends that Virginia finally ratified the Federal Constitution, practically assuring its success, although adding the present amendments, many of which were subsequently accepted by Congress.

The draft of the second part (in another hand) would seem to be an earlier one, and was probably written by a member of the convention for his convenience in debate. All of the clauses up to the tenth are in effect similar to that described above, although in a few places the language differs slightly. Those sections not included in the version in Mason's hand relate to Militia; the power of Congress in legislation; the Judicial power over diplomatic officers and in controversies between States; criminal prosecutions, etc.

A few changes and corrections, and the re-arrangement of the numbers would indicate that this was the completed draft submitted to the Convention by Mason, and that the alterations were made in debate. The importance of this document can be appreciated only by keeping in view the fact that the ratification of the Constitution by a majority of the Convention was contingent on the submission to Congress of these amendments, and that by submitting them to Congress Virginia implicitly informed the country that by her ratification she did not relinquish but re-asserted those State rights which in the minds of many of her statesmen were more important than the adoption of the Federal Constitution.

- 82 MASON (GEORGE). Autograph Document, 2 pp. small folio, relating to the work of the Virginia State Convention appointed to ratify or reject the proposed Federal Constitution. [1788.] Preserved under silk gauze (small corner cut off, eliminating probably two words).

One side contains four forms of the resolution to embody the Declaration of Rights and Amendments in the Constitution. The forms differ somewhat, the final one being that ratification should be made after the adoption of the Amendments, and that the Rights and Amendments be communicated to the other States of the American Union. The first part of this form was carried and ratification made conditional on the submission to Congress of the Amendments.

The other side contains a resolution of very great interest, evidently



made before the final adjournment of the State Convention, but after the ratification of the Constitution on June 25, 1788. It says that a letter received by Governor Randolph of Virginia from Governor Clinton of New York suggesting "free and cordial Intercourse & communication of Sentiments between the Conventions," should have been laid before the Virginia Convention for consideration but was withheld until the day after the ratification. While the conventions of Virginia and New York were sitting, great anxiety was felt for the Constitution, which then required ratification by one more State to become effective. Governor Randolph was a warm advocate of ratification and this resolution proves that he dreaded collusion between the opponents of the Constitution in the two States to such an extent that he withheld the communication from New York, the delivery of which to the Virginia convention might have seriously strengthened the hands of the opponents of ratification and resulted in ultimate abandonment of the Federal Constitution. The majority in Virginia in favor of ratification was only ten, and this majority was not obtained till the Bill of Rights and a long list of Amendments had been drawn up to be submitted to Congress.

- 83 LEE (RICHARD HENRY). Autograph Letter Signed, 4 pp., 4to, New York, October 1, 1787. Preserved under silk gauze. To [George Mason], regarding Congressional action on the proposed Constitution.

Richard Henry Lee was sitting in Congress as a member from Virginia when the proposed Constitution was reported to that body, and he earnestly opposed its adoption. He thought the granting of broad powers to the Executive and Congress would gradually weaken the State governments and eventually obliterate them as units in the government. He was most zealous of the retention of State rights and took the gloomy view that its adoption, without the amendments advocated by the majority of the Virginia and South Carolina delegates, would eventually result in a Civil War. It is interesting here to note that thus early the interests of the North and South were thought to be in opposition, and that a prediction was made which eventually came true. He writes in part:

*"The greatness of the powers given, & the multitude of Places to be created, produces a coalition of Monarchy men, Military men, Aristocrats, and Drones, whose noise, impudence & zeal exceeds all belief—Whilst the Commercial plunder of the South stimulates the rapacious trader. In this state of things, the Patriot voice is raised in vain for such changes and securities as reason*



Dear Sir,

New York October 1<sup>st</sup> 1787

I have waited until now to answer your favor of Sept 10<sup>th</sup> from Philadelphia, that I might inform you how the Convention plan of Government was entertained by Congress. Your prediction of what would happen in Congress was exactly verified. It was with us, as with you, this or nothing; & this urged with a most extreme intemperance. The greatness of the powers given, & the multitude of Places to be created, produces a coalition of Monarchy men, Military Men, Aristocrats, and Drones whose noise, impudence & zeal exceeds all belief. Whilst the Commercial plunder of the South stimulates the rapacious Trader, In this state of things the Patriot voice is raised in vain for such changes and securities as Reason and Experience prove to be necessary against the encroachments of power upon the indispensable rights of human nature. Upon due consideration of the Constitution under which we now act, some of us were clearly of opinion that the 13<sup>th</sup> article of the Confederation precluded us from giving an opinion concerning a plan subversive of the present system and eventually forming a New Confederacy of Nine instead of

LEE'S OBJECTIONS TO THE CONSTITUTION

[Number 83]

*and Experience prove to be necessary against the encroachments of power upon the indispensable rights of human nature. Upon due consideration of the Constitution under which we now act, some of us were clearly of the opinion that the 13th Article of the Confederation precluded us from giving an opinion concerning a plan subversive of the present system and eventually forming a New Confederacy of Nine instead of 13 States. The contrary doctrine was asserted with great violence in expectation of the strong majority with which they might send it forward under terms of much approbation. Having procured an opinion that Congress was qualified to consider, to amend, to approve or disapprove—the next game was to determine that tho a right to amend existed, it would be highly inexpedient to exercise that right; but merely to transmit it with respectful marks of approbation— In this state of things I avail myself of the right to amend, & move the amendments, copy of which I send herewith & called the ayes & nays to fix them on the journal— This greatly alarmed the Majority & vexed them extremely—for the plan is, to push the business on with great dispatch, and with as little opposition as possible; that it may be adopted before it has stood the test of reflection & due examination— They found it most eligible at last to transmit it merely, without approving or disapproving; provided nothing but the transmission should appear on the Journal— This compromise was settled and they took the opportunity of inserting the word Unanimously, which applied only to simple transmissions, hoping to have it mistaken for an Unanimous approbation of the thing— It states that Congress having received the Constitution unanimously transmit it &c.— It is certain that no Approbation was given— This Constitution has a great many excellent regulations in it, and if it should be reasonably amended would be a fine system— As it is, I think 'tis past doubt that if it should be established, either a tyranny will result from it, or it will be prevented by a Civil War— I am clearly of opinion with you that it should be sent back with amendments reasonable and assent to it withheld until such amendments are admitted," etc.*

Then follow suggestions for bringing about concerted action between Virginia and South Carolina to enforce the amendments before ratification by the State Conventions.

- 84 LEE (RICHARD HENRY). Autograph Letter Signed, 4 pp., folio. Chantilly [Va.], June the 9th, 1779. Preserved under silk gauze (outer margins, before being strengthened were slightly frayed but are not in any part illegible).

Presumably addressed to George Mason, among whose papers it was found. Mason had been elected to Congress, and although he refused to

serve he carried on an extensive correspondence with prominent Virginians and was of great service to the Colony in keeping alive an enthusiastic interest in public affairs.

The letter largely relates to and severely condemns the speculations then so disturbing the public confidence. He writes: "*The force of party, and the power of fortune, it seems to me, are leagued to distress if not to ruin America. . . . The inundation of money appears to have overflowed virtue, and I fear will bury the liberty of America in the same grave. . . . Now, to get into office is another thing for getting into wealth on public funds and to the public injury.*" "*In choosing the executive officers of the government, integrity, ability, and industry must be attended to, or we are inevitably ruined. . . . To me it appears of indispensable necessity that instructions be given to your delegates in terms peremptory and express that they move Congress that the most immediate and effectual settlement be made of all public accounts.*" He deprecates the action of the Assembly in issuing another million pounds and is apprehensive of its effect on other States. Of military matters he writes: "*It is, I think, to be feared, that the enemies' late success in this State will encourage other visits.*" He wishes that all stores and provisions might be further removed from the Ships of War as they are a continual temptation, and suggests that moveable batteries in the form of "Gallies" be provided, as "*Forts on land will be avoided when the foe is weak, and always fall when they are strong.*" He mentions also the coming of peace and, in connection with it, "*Navigation of the Mississippi and our domestic fishery on the Banks of Newfoundland.*"

- 85 MASON (GEORGE). Autograph Letter Signed, 5½ pp., folio. Gunston Hall [Va.], Octor. 19th, 1782. To Edmund Randolph, Attorney General, Richmond. With addressed wrapper. Each piece preserved under silk gauze. 4 pieces.

Very important letter, closely written, dealing with the question of Virginia's Western territory. He says: "*I quitted my seat in the House of Delegates, from a conviction that I was no longer able to do any essential Service. Some of the public Measures have been so contrary to my Notions of policy and of Justice, that I wished to be no longer concerned with, or answerable for them, and to spend the Remnant of my Life in Quiet and Retirement. Yet with all her faults, my Country will ever have my warmest wishes and Affections; and I would at any time, most cheerfully, sacrifice my own Ease and domestic enjoyment to the Public-Good: but tho' I look upon asserting the Right to our Western Territory, and thereby putting a Stop to the dan-*



*gerous usurpations of Congress, before they shall have been established into precedents, to be a matter of the utmost Importance, I do not know that it is in my power to give the Committee any assistance."*

He recounts the information and evidence he had previously submitted, mentioning "*Col. Washington, now His Excellency General Washington,*" and "*the present Revolution,*" giving a very important historical sketch of the Western lands. Referring to the mutual guarantees to the States, he says: "*It was upon these express conditions that Virginia acceded to the Articles of Confederation: the present attempt therefore to dismember Virginia, without her Consent, is a flagrant Breach of Public Faith, and if Carried into Execution, dissolves the federal Compact. . . . Congress are properly the Delegates of the different States, with certain powers defined. . . . They may in time proceed to fill up their own Vacancys, vote themselves members for life, and what not! . . . Posterity will reflect with indignation, that this fatal Lust of Sovereignty which lost Great Britain her western World . . . shou'd even during our contest against it, be revived among ourselves, and fostered by the very men who were appointed to oppose it."*

He continues to urge resistance, giving many interesting arguments on behalf of Virginia's retention of all her lands, and counselling firmness in contending for the rights of the separate States.

The history of this dispute and the evidence it shows of the increasing weight of national opinion and necessity are of the utmost interest in that contentious, formative period. Virginia's claim to the Western lands had, since the outbreak of war, been questioned by the other States and she had only recently, as a compromise, offered to cede to the United States the territory above the Ohio. This Congress refused to accept, and it was over a year after the date of this letter and after a dispute into which much bitterness was injected, that Virginia assented to the cession of all of her territory excepting her present boundaries and those of West Virginia and Kentucky. In return Virginia demanded—and it was accorded—that her soldiers in the Revolution be allowed certain parts of the ceded lands.

- 86 [MASON (GEORGE).] George Mason, of Virginia. [By Judge Bland], taken from Niles's "Principles and Acts of the Revolution." Fragment consisting of pp. 121-128. 8 pp., 8vo, all preserved under silk gauze. [Baltimore, 1822.]



ORIGINAL UNPUBLISHED DIARY  
OF JAMES McHENRY IN THE  
CONSTITUTIONAL CONVENTION

MINIATURE OF WASHINGTON  
PAINTED BY WILLIAM BIRCH

CONSIGNED FOR SALE BY  
MR. JOHN McHENRY  
OF BALTIMORE, MD.



UNPUBLISHED MANUSCRIPT JOURNAL OF THE FEDERAL CONSTITUTIONAL CONVENTION BY JAMES McHENRY, DELEGATE FROM MARYLAND

- 87 McHENRY (JAMES, Secretary on the Staff of General Washington, and second Secretary of War). Original Manuscript Diary or Journal kept during his attendance at the Federal Constitutional Convention, from May 25, the opening, to September 18, the closing, day. About 75 pages, 8vo, in contemporary undressed calf. 1787.

James McHenry, delegate from Maryland, took an active part in the formation of the Constitution. He labored hard and successfully in his own State to bring about its ratification, notwithstanding the powerful opposition of Luther Martin and Samuel Chase.

This Journal gives a remarkably clear account of the deliberations of the Federal Convention. McHenry took his seat on the opening day of the session and, realizing the importance and historic value of the forthcoming proceedings, kept this record from day to day. The first entry is dated Philadelphia, 14 May, 1787. Nothing of importance took place, however, until the 25th when, as stated in the Journal, "seven States being represented, viz.: New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, and South Carolina, George Washington was unanimously elected President of the Convention." A committee was then appointed to prepare and report rules for conducting business. This detail being satisfactorily arranged, Governor Edmund Randolph of Virginia opened the business of the Convention. He proceeded to outline the objections to the "Articles of Confederation," the inadequacy of which called forth this meeting. Randolph's speech is given in full, in addition to the resolutions he offered as a basis or working plan for the Constitution. These resolutions were fifteen in number and bore the distinction of being the first plan to be offered for the closer and firmer welding of a Union which had been rapidly drifting towards dissolution. After Mr. Randolph's address and resolutions, the Convention resolved itself into a committee of the whole "to take into consideration the state of the American Union."

On May 30th began the true battle between the partisans of State rights and the group which favored strong centralized power and afterward became known as the "Federalists." By this time ten States were represented in the Convention, and Randolph's resolutions were taken up in order. The 1st, 2nd, and 3rd resolutions were briefly discussed and apparently left in abeyance, their fate depending on that of the 5th, on which they indirectly hinged. This resolution, which provided that the

second branch of the legislature be elected by the first, out of a number of persons nominated by State legislatures, was negatived. Other details are entered until June 1st, when a note reads: "*Recd. an express from home that my brother lay dangerously sick in consequence of which I set out immediately for Baltimore.*"

McHenry was back in his seat on August 4th, having left Baltimore on the 2nd. It might be said that at this time began the real formative period in earnest. The first entry after his return, dated the 4th, is of great interest and importance. It reveals, probably for the first time, the name of the printer of the first draft of the Constitution, which was known to have been printed in great secrecy. The entry reads: "*Returned to Philada. The Committee of Constitution ready to report. Their report in the hands of Dunlap the printer to strike off copies for the members.*" The final draft, which was sent to Congress for ratification, bears the name of the printers "Dunlap and Claypoole," but the first and second drafts, described elsewhere in this catalogue, bore no indication whatever of the printer.

On August 6th the Convention adjourned till the following day to give the members an opportunity to consider the report. Mr. McHenry suggested a meeting with Messrs. Carroll, Jenifer, Mercer, and Martin, of the Maryland delegation, to confer on the report and to prepare to act in unison. This stormy conference took place at Mr. Carroll's lodgings and, finding that they could come to no conclusion, another meeting was decided upon for the next evening. As the author writes, "*Unless we could appear in unison in the Convention with some degree of unanimity it would be unnecessary to remain in it, sacrificing time & money without being able to render any service.*" Here occurs an interesting note describing an incident of that meeting. "*I saw Mr. Mercer make out a list of members' names who had attended or were attending in Convention with 'for' and 'against' marked opposite most of them—asked carelessly what question occasioned his being so particular, upon which he told me laughingly that it was no question but that those marked with a 'for' were for a King. I then asked him how he knew that, to which he said 'no matter, the thing is so,'*" etc.

In order to fix the opinions of his colleagues, McHenry drew up four propositions on the most consequential articles, to lay before them at their meeting on the following evening. The propositions are given here in full. The Diary then proceeds with the business of the Convention on the 7th. The discussion then centered on the right of suffrage. Gouverneur Morris held that to give that right to all freemen the government would undoubtedly become an aristocracy, as it would put it in the power of men whose business created numerous dependents. Dr. Franklin also spoke on the subject: "*He ob-*



Philadelphia 16 May 1787.

Convention.

On the 25th seven states being represented  
viz. New York New Jersey, Pennsylvania, Delaware,  
Virginia, North Carolina and South Carolina  
George Washington was elected (unanimously)  
president of the convention.

The convention appoint a committee  
to prepare and report rules for conducting business  
which were reported, debated, and in general  
agreed to on the 28th.

28th. 29.

Governor Randolph opened the business of  
the convention. He observed that the confederation  
fulfilled none of the objects for which it was framed.  
1st It ~~does~~ not provide against foreign invasions. 2d  
It does not secure harmony to the States. 3d. It is in-  
capable of producing certain benefits to the States.  
4 It cannot defend itself against encroachments.  
5th. It is not superior to State constitutions.

1st It does not provide against foreign invasion  
If a State acts against a foreign power contrary to  
the laws of nations or violates a treaty, it cannot punish  
that State, or compel its obedience to the treaty. It can only  
leave the offending State to the operations of the offended  
power. It therefore cannot prevent a war. If the rights.

*served that in time of war a country owed much to the lower class of citizens. Our late war was an instance of what they could suffer and perform. If denied the right of suffrage it would debase their spirit and detach them from the interest of the country. One thousand of our seamen were confined in English prisons—had bribes offered them to go on board English vessels which they rejected.”* On the evening of that day the meetings in Mr. Carroll’s lodgings were resumed, Mr. Martin being absent. After discussion of the propositions offered by McHenry and of the propriety of the articles of Constitution as they respected Maryland, they finally agreed to act in concert in the Convention.

The proceedings of the Convention are then resumed. The disposition of the various articles follows. When the discussion becomes long and opinions strongly clash McHenry gives an outline of the speeches of the various advocates. One of the points which came up on August 9th for extended debate was the term of residence in the country necessary to make eligible a candidate for the Legislature. Morris, Mason, Madison, and Franklin spoke at length and with warmth on this matter. From then on matters progressed rapidly although not without debate of every viewpoint and angle. By September 1st the system was in shape to refer to a grand committee. They worked diligently and made some of the most important revisions that had thus far been thought of. One of the principal of these was the plan for the election of the President, which is that of today. On September 8th the whole report was agreed to, and with some amendments was referred to the Committee of Detail. On September 13th the second printed report was received. This was read, discussed, and a few further changes made, and on the 15th, was ordered engrossed and 500 copies struck. On the 17th the final Constitution was delivered and the delegates proceeded to sign it, Mr. Randolph, Mr. Mason, and Mr. Gerry being the only members present who withheld their names.

On the page directly preceding this entry the author gives his reasons for signing the Constitution. Although opposed to many parts of the system, he recognized in it the only remedy at hand for the inconveniences which the Union was then laboring under. He also frankly admits that his own judgment might be at fault in too strongly opposing the points with which he disagreed. This statement is signed and dated, Phila. 17th Sept., 1787, the final day of the Convention. On this day Dr. Franklin also made an address in which he gave his reasons for signing, as described here, *“It was plain, insinuating, persuasive—and in any event of the system, guarded the Doctor’s fame.”*

The next day the gentlemen of the Convention dined together at the City Tavern.

On these final pages are given two interesting anecdotes apropos of the Convention and the result of their labors. "*A lady asked Dr. Franklin, 'Well, Doctor, what have we got, a republic or a monarchy?' 'A republic,' replied the Doctor, 'if you can keep it';*" and "*Mr. Martin said one day in company with Mr. Jenifer, speaking of the system before Convention, 'I'll be hanged if ever the people of Maryland agree to it.' 'I advise you,' said Mr. Jenifer, 'to stay in Philadelphia lest you should be hanged.'*"

The Journal is of the greatest importance and interest. It embraces practically all events of importance that took place in the Convention. When it is remembered the secrecy with which these proceedings were surrounded, a work of this kind is of the highest historical value, revealing as it does the personal views, opinions, and even ambitions of many of the individuals.

## MINIATURE PORTRAIT OF WASHINGTON BY WILLIAM BIRCH

- 88 WASHINGTON (GEORGE). Original Miniature Portrait of Washington, oval, three-quarter face, half length, painted on enamel, by William Birch (contemporary crack across lower part of neck.) Height,  $3\frac{1}{2}$ ; width, 3 inches. In gilt frame, with small oval ebony frame set in crimson plush.

This very beautiful miniature presents Washington in a costume of dark brown velvet, with ruffles of white lace. The complexion is warm and rich, but without the florid tint so often noted in contemporary portraits. The hair is powdered and worn in a queue.

Elizabeth Bryant Johnson in her "Original Portraits of Washington," writes: "*It is said in outline to be drawn precisely like the first Stuart, though the unpleasant impression, arising from the false teeth, is happily avoided.*"

The portrait is consigned by Mr. John McHenry of Baltimore, to whose family it has belonged since its purchase by James McHenry, from the artist. Miss Johnson, in the above-named volume, says: "*James McHenry of Maryland, who was Washington's Military Secretary, was appointed by him Secretary of War in 1796. About that time he bought a certain miniature of Washington, by Birch, selecting it from several in the artist's studio, and esteeming it the finest likeness, notwithstanding it was somewhat disfigured by a crack in the enamel.*" According to the same authority, a facsimile of this miniature was owned by Charles C. Barney of Richmond. Its owner esteemed it so highly that when he had to run the gauntlet after the evacuation of Richmond, he took it from its frame, secured it on his person, and so was able to save it from possible mishap.





MINIATURE OF GENERAL WASHINGTON  
PAINTED BY WILLIAM BIRCH

[Number 88]

